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DEPARTMENTS OF STATE AND JUSTICE, THE
JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS FOR 1962

GOVERNMENT

Storage

HEARINGS
BEFORE THE
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
EIGHTY-SEVENTH CONGRESS
FIRST SESSION

SUBCOMMITTEE ON DEPARTMENTS OF STATE AND JUSTICE, THE
JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS

JOHN J. ROONEY, New York, *Chairman*

ROBERT L. F. SIKES, Florida
DON MAGNUSON, Washington
FRED MARSHALL, Minnesota

FRANK T. BOW, Ohio
GLENARD P. LIPSCOMB, California
ELFORD A. CEDERBERG, Michigan

JAY B. HOWE, *Staff Assistant to the Subcommittee*

THE JUDICIARY

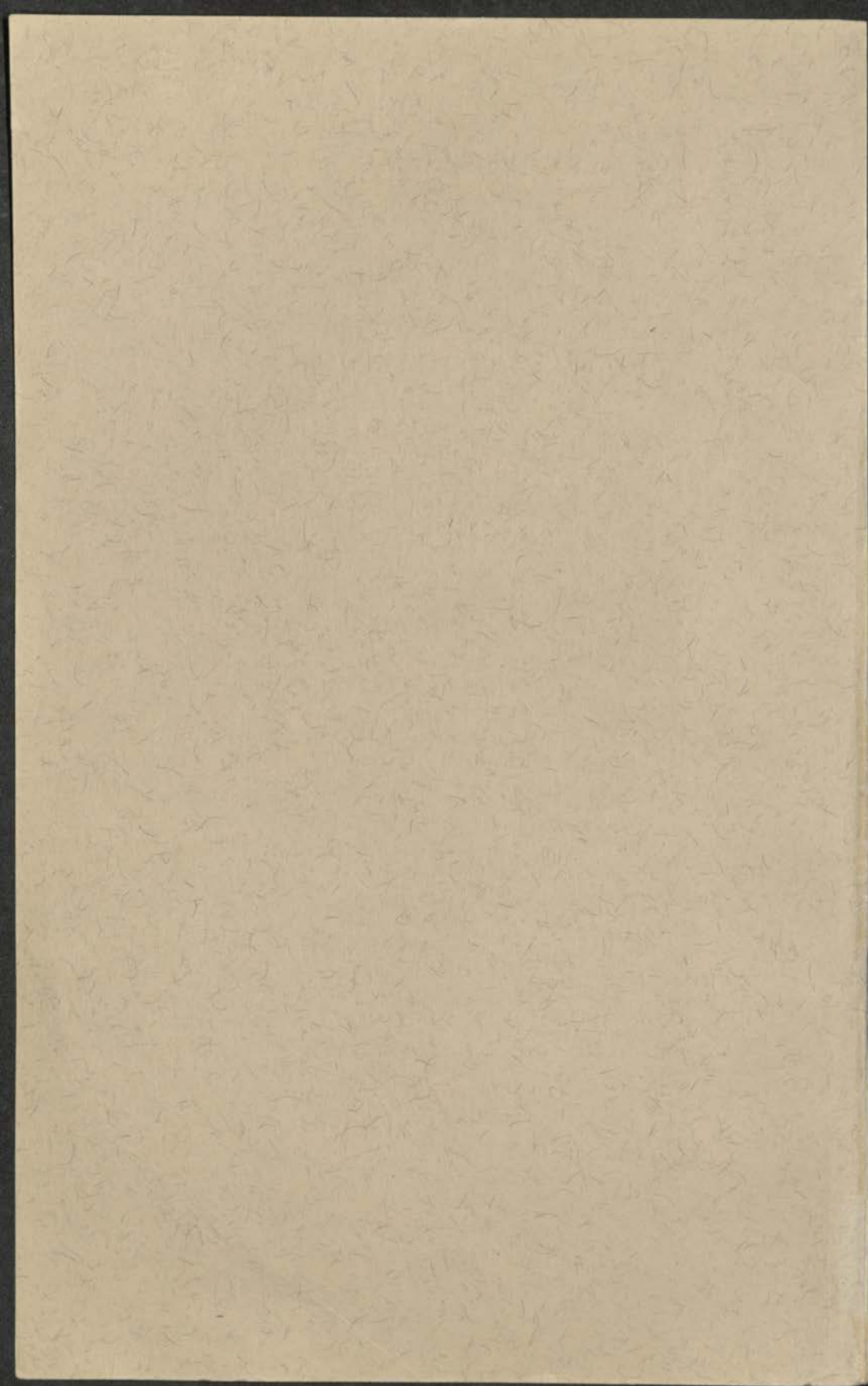
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DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1962

THE JUDICIARY

THURSDAY, FEBRUARY 23, 1961.

Mr. ROONEY. The committee will please now come to order.

TRIBUTE TO FORMER COMMITTEE MEMBER

It should be noted this morning with great regret that the chair to my left is empty as a result of the recent passing of our distinguished friend and highly capable colleague, the gentleman from Georgia (Mr. Preston).

It is indeed a great loss to this subcommittee, to the full Committee on Appropriations and to the entire House of Representatives that a man of the stature, ability, and integrity of Prince Preston has gone to his Maker. I know we all sincerely regret his passing.

We welcome the return of the distinguished gentleman from Minnesota (Mr. Marshall), who served on this subcommittee for a number of years about a decade ago. It is a pleasure to welcome him back. He was always of great assistance to the committee when he served here previously and I am sure that those who have not served with him on this subcommittee when he was a member of it will find that although he is not a lawyer, Fred Marshall can ask some very lawyer-like pertinent and searching questions which greatly aid the subcommittee in its investigation of budget items.

I should also mention the fact that I have just had a telephone call from the distinguished gentleman from Washington (Mr. Magnuson) who is a member of this subcommittee. He reports that he is presently a patient at the U.S. Naval Hospital in Bethesda having suffered the collapse of his left lung on Sunday evening. He tells me that he had never previously had any trouble with his lungs but on Sunday night suffered a 30-percent collapse in his left lung. Don is apparently responding well to treatment and is anxious to join us at the first possible date.

Mr. Bow?

Mr. Bow. Mr. Chairman, the minority wishes to join with you in what you have said regarding our late colleague, Mr. Preston, the gentleman from Georgia. We worked with him for a number of years and we were very close to him. As far as Mr. Preston was concerned, as with other members of the subcommittee, there has never been a division of the aisle or partisanship. We worked together throughout the years and we shall miss him, as I am sure all of the members of the committee do.

We, too, are very happy to see Mr. Marshall come back to the subcommittee and we look forward to serving with him. We hope that Mr. Magnuson will be with us again very soon.

Mr. MARSHALL. Mr. Chairman?

Mr. ROONEY. Mr. Marshall.

Mr. MARSHALL. Might I state that when I served on this committee before it was my pleasure to sit next to Mr. Preston, for whom I had a very high admiration. He was a very fine courteous gentleman and certainly contributed much to this committee.

It is a pleasure for me to be back with this committee and I enjoyed working with the committee before under the able direction of our fine chairman, Mr. Rooney, the gentleman from New York. I hope that in serving on this committee I will contribute and be of some assistance to the committee. I appreciate the words you expressed about me and the words Mr. Bow expressed about me.

Thank you, Mr. Chairman.

Mr. ROONEY. Thank you, Mr. Marshall.

RULES OF THE SUBCOMMITTEE

The first order of business is the matter of adoption of the rules of the subcommittee, and unless there is objection, the rules which were in effect in the 86th Congress shall become the rules of the subcommittee in the 87th Congress.

I take it that most of us are familiar with these rules but if anyone desires a copy of them, we have them here.

Is there objection to the adoption of the subcommittee rules of the 86th Congress as the rules of the 87th Congress?

Mr. Bow. No objection.

Mr. ROONEY. Very well. Without objection, the rules are adopted.

COMPARISON OF 1961 APPROPRIATIONS AND 1962 ESTIMATES FOR THE ENTIRE BILL BEFORE THE SUBCOMMITTEE

It might be well if at this point in the record we inserted a comparative statement of the appropriations for 1961, the current fiscal year, and the estimates for fiscal year 1962 insofar as the entire bill before the subcommittee is concerned. That is, with regard to the appropriations for the Department of State, Department of Justice, the Federal Judiciary, the U.S. Information Agency, and the Commission on Civil Rights.

It should be noted that the total estimates for the coming fiscal year contained in this bill amount to \$793,556,202. This would mean an increase over appropriations to date in the current fiscal year of \$81,973,635. When anticipated pay act supplementals are considered, the increase over appropriations for fiscal year 1961 come to \$55,925,635.

The increases requested for the Department of State amounts to 16 percent; for the Department of Justice, less than one-half of 1 percent; for the judiciary, 6 percent; for the U.S. Information Agency, 7 percent.

We shall at this point in the record insert the comparative statement of the appropriations for 1961 and the estimates for 1962.

(The statement follows:)

Comparative statement of the appropriations for 1961 and the estimates for 1962

Department or agency	Fiscal year 1961		Budget estimates, 1962	Budget estimates, 1962 compared with—	
	Appropriations, 1961	Total (including anticipated pay supplemental, 1961)		Appropriations, 1961	Total (including anticipated pay supplemental, 1961)
Department of State.....	\$252,672,754	\$258,423,754	\$299,498,000	+\$46,825,246	+\$41,074,246
Department of Justice.....	280,720,180	295,875,180	297,226,000	+16,505,820	+1,350,820
The Judiciary:					
Excluding annual indefinites.....	44,724,065	46,667,065	49,130,202	+4,406,137	+2,463,137
Including annual indefinites.....	50,149,065	52,297,065	56,050,202	+5,901,137	+3,753,137
U.S. Information Agency.....	127,190,568	130,146,568	140,480,000	+13,289,432	+10,333,432
Commission on Civil Rights.....	850,000	888,000	302,000	-548,000	-586,000
Total, excluding special indefinite accounts.....	706,157,567	732,000,567	786,636,202	+80,478,635	+54,635,635
Total, including special indefinite accounts.....	711,582,567	737,630,567	793,556,202	+81,973,635	+55,925,635

THE SUPREME COURT

WITNESSES

HON. HUGO L. BLACK, ASSOCIATE JUSTICE
HON. TOM C. CLARK, ASSOCIATE JUSTICE
JAMES R. BROWNING, CLERK
T. PERRY LIPPITT, MARSHAL
DINA ZUCCONI, ASSISTANT TO THE MARSHAL
HELEN NEWMAN, LIBRARIAN
J. GEORGE STEWART, ARCHITECT OF THE CAPITOL
MARIO E. CAMPIOLI, ASSISTANT ARCHITECT
CHARLES A. HENLOCK, ADMINISTRATIVE ASSISTANT

TOTAL 1962 JUDICIARY REQUEST

Mr. ROONEY. The first matter with which we shall concern ourselves this morning is that total requested for the judiciary in the amount of \$56,050,202. The first item thereof is for the Supreme Court of the United States.

Referring to the overall picture for the judiciary, the total request; to wit, \$56,050,202 is an increase of \$5,901,137 over the appropriations to date in the current fiscal year, exclusive of pay act supplemental requests. When anticipated pay act supplementals for the current fiscal year are taken into consideration, the requested increase is in the amount \$3,753,137.

The subcommittee is honored to have with it this morning in connection with the request for funds for the Supreme Court of the United States the distinguished Associate Justice of the Supreme Court, the Honorable Hugo L. Black and the distinguished Associate Justice of the Supreme Court, the Honorable Tom C. Clark, together with the Clerk, the Marshal, and other aids of the Court, as well as the Architect of the Capitol, the Assistant Architect and the Administrative Assistant in the Office of the Architect of the Capitol.

SUMMARY OF APPROPRIATIONS, 1961 AND ESTIMATES, 1962

We shall insert in the record at this point the table appearing on page 1 of the justification.

(The table follows:)

Comparative summary of appropriations and appropriation estimates

Court or service	1961 adjusted	1962 estimates	Increase (+) or de- crease (-), 1962 compared with 1961
Annual appropriations (general account):			
Supreme Court.....	\$1,909,588	\$1,965,702	+\$56,114
Court of Customs and Patent Appeals.....	357,300	359,000	+1,700
Customs Court.....	840,500	935,000	+94,500
Court of Claims.....	924,100	964,500	+40,400
Courts of appeals, district courts, and other judicial services.....	42,635,800	44,906,000	+2,270,200
Total annual appropriations (general account).....	46,667,288	49,130,202	+2,462,914
Appropriations (special account).....	5,630,000	6,920,000	+1,290,000
Grand total.....	52,297,288	56,050,202	+3,752,914

Mr. ROONEY. The total request for the Supreme Court, which would include items such as printing and binding of Supreme Court reports, miscellaneous expenses, care of the building and grounds, and so forth, is in the amount \$1,965,702, a requested increase of \$142,337 over the amount appropriated to date in the current fiscal year.

GENERAL STATEMENTS

Mr. Justice Black, do you have a statement with regard to the requested appropriations?

ADDITIONAL EMPLOYEES REQUESTED

Mr. Justice BLACK. The actual increase in salaries of \$23,000 is composed of, first, automatic in-grade increases of \$13,932 a finisher (carpenter shop), \$5,890, and one assistant in the library, \$7,078.

Mr. ROONEY. That is a new assistant?

Mr. Justice BLACK. That is a new assistant.

It will be explained by the librarian in detail, if you wish.

They find that they need an assistant there to aid and supply the attorneys and members of the Court staff in connection with their studies in the library, as well as the Justices. Heretofore they have not had quite enough employees to attend to the needs of both. If you want to get a statement from the librarian on that, she is here and can tell you about the necessity for an added member to her staff.

The finisher for the carpenter shop is necessary because a lot of the furniture is old and needs repairs, and those who are available to repair it now are not sufficient. That is the increase in salaries.

Mr. ROONEY. I think it might be well, Mr. Justice Black, if we first had your overall statement. Would you complete your overall statement with regard to the requested sums and then we shall be glad to listen to Mr. Justice Clark in the event he has something to say with regard to this matter.

Then we can get into the particular items.

RESTORATION OF A PORTRAIT

Mr. Justice BLACK. The suggested increases there include an item of \$2,800 for restoration of the portrait of Chief Justice John Marshall, and to preserve it as it should be preserved.

DISPLAY CASES

There is an item of display cases which was before the committee last year as perhaps you will recall.

Mr. ROONEY. We sure do.

Mr. Justice BLACK. It was thought they were needed because it is the only chance that most of the people who come to the Court have to learn much about it. The courtroom is very small and the tremendous number of people who visit the court building cannot all get into the Courtroom. An exhibit in the building is sorely needed for these people. Other agencies also have, from time to time, been afforded display cases, I am informed, such as Treasury, Justice, Post Office, Agriculture, Commerce, and the Library of Congress. Of course, the Library of Congress is in a class by itself, I would suppose, in things of that kind.

DRAPERIES AND FURNITURE

Then there is a request for funds for the replacement of draperies in the amount of \$5,200. These draperies are 25 years old and sometimes, as all of us know, even in our homes it becomes necessary to do something with the draperies. There is a request for \$5,000 for furniture and equipment. That is for such items as desks, chairs, cabinets, file cases, and other office equipment.

PRINTING AND BINDING

A \$2,000 increase is requested for printing and binding, on page 13, made necessary, we understand, by natural increases in expenses of doing printing and binding which cannot be avoided.

Mr. ROONEY. This work is performed by the Government Printing Office?

Mr. Justice BLACK. That is right.

Mr. ROONEY. They fix the rates, do they?

Mr. Justice BLACK. That is right.

Mr. ROONEY. If you are going to have your printing done, you have to pay them the rates?

Mr. Justice BLACK. That is right. It takes \$2,000 more.

Mr. Chairman, that gives you an overall look at the situation.

Now, if there are any questions of Justice Clark or any of these others, they will be glad to answer.

Mr. ROONEY. Mr. Justice Clark, do you wish to say anything?

NEW EMPLOYEES REQUESTED

Mr. Justice CLARK. Mr. Chairman, if I might I would like to supplement what Mr. Justice Black has said on the proposal for two new employees.

LIBRARY ASSISTANT

As you can well understand, we have a considerable amount of research we have to do in each one of our cases. Some of them require more than others and the librarian, of course, is called upon to get the original sources of information from the Library of Congress or from other libraries or agencies. We have found that with the nine of us writing at the same time on different cases that often the Library is swamped and additional personnel is required.

As to the finisher, in the carpenter shop, I go through the building, as the chairman knows, quite often and look at the condition of the woodwork, and so forth, to see that it is being preserved properly. For example, the door casements and things of that kind often need refinishing. Our furniture needs refinishing from time to time and we have only had one man doing that for the whole building. Bob Giacalone, our finisher, is just swamped in that work. He is a very, very capable man. I believe his father works here at the Capitol and is an expert finisher. I have watched Bob's work very closely and, Mr. Chairman, it is excellent.

SIGHTSEERS

One thing more, Mr. Chairman. It is a subject that has aroused differences of opinion and some opposition. There are about 500,000 sightseers who come to the Court every year. However, we have less than 300 seats in the Courtroom. The Marshal has very efficiently tried to keep the three back rows changing every 3 minutes in an effort to seat as many as possible. When a group comes in, they are put in the back three rows and stay there 3 minutes. Then they march that group out and put in another. Most of them are in a long line which sometimes queues all the way down to the street, about a block.

Even with that arrangement, we are not able to take care of the thousands that come there.

Mr. Chairman, I do not know whether you happened to be over there during the meeting of the American Bar Association but the bar, as you well know, met here in late August.

We also had the English bar, in addition to many British judges, including the Lord Chancellor. Our clerk, Mr. Browning, was able to borrow some cases from one of the other agencies and they were placed in the rotunda on the ground floor. We displayed articles of the greatest interest, such as the original John Marshall robe. We also had the original documents in some of the famous Supreme Court cases, such as *Marbury v. Madison*, as well as others. In addition there was John Marshall's bench chair and other interesting items of historical interest.

The Supreme Court Building should not serve as a mausoleum but as the living symbol of our concept of due process of law and its development, to which all freemen owe so much. It is particularly important to most of these visitors. They are young people and they quickly grasp the significance of these things in relation to the work

of the Court. What we ask is such a small expense, only \$17,000, and it would add much to the Court's position as a part of the Capitol area, and as an educational display to citizens and to foreign visitors as well.

For that reason, we renew the request.

Our draperies have not been replaced since they were hung in 1935 and they are getting a little bit worn now. That is this item of \$5,200.

I think, Mr. Chairman, that is all I have to say unless there are some questions.

SUPREME COURT SALARIES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Permanent positions.....	1,169	1,288	1,315
Positions other than permanent.....	64	79	79
Other personnel compensation.....	7	4	-----
Total personnel compensation.....	1,240	1,371	1,394
12 Personnel benefits.....	64	85	85
Total obligations.....	1,304	1,456	1,479

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	164	166	168
Full-time equivalent of other positions.....	17	20	20
Average number of all employees.....	171	182	184
Number of employees at end of year.....	193	204	206

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Salaries, Supreme Court (total obligations).....	1,304	1,456	1,479
Financing: Unobligated balance lapsing.....	32	-----	-----
New obligational authority.....	1,336	1,456	1,479
New obligational authority:			
Appropriation.....	1,336	1,370	1,479
Proposed supplemental due to pay increases.....	-----	86	-----

MR. ROONEY. We shall look at the five items which make up the total appropriation request for the Supreme Court of the United States and the first of these is "Salaries, Supreme Court," which appears at page 138 of the committee print and at pages 2 through 9 of the justifications, which pages we shall insert at this point in the record.

(The pages follow:)

SALARIES, SUPREME COURT OF THE UNITED STATES

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....	\$1,370,000
1961 proposed supplemental due to pay increases.....	86,000
Base for 1962.....	1,456,000
Net difference, 1962 over 1961:.....	

	Requirements		Difference, increase (+) or de- crease (-)	
	1961 adjusted	1962 estimate		
Salaries, Supreme Court.....	\$1,456,000	\$1,479,000	+\$23,000	+23,000
Total estimate for 1962.....				\$1,479,000

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$1,371,000	\$1,394,000	+\$23,000
12 Personnel benefits.....	85,000	85,000	
Total.....	1,456,000	1,479,000	+23,000

*Summary of increased requirements for 1962**Nature of expense (or savings)*

Personnel compensation:	Amount
Provision for within-grade salary advancements.....	\$13,932
For new position—Reference librarian.....	7,078
For new position—Finisher (carpenter shop).....	5,890
Deduction for extra compensable day not required in 1962.....	(-)3,900
Total, personnel compensation.....	23,000
Total (net) increases.....	23,000

JUSTIFICATION

Language changes

None.

Objectives

The appropriation here requested is to provide the necessary moneys to pay the salaries of the members of the Supreme Court of the United States, the officers of the Court, their respective staffs, and the Court's custodial employees.

General justification

The following statement reflects the casework of the Court for the past three terms:

Statement showing number of cases filed, disposed of, and remaining on dockets at conclusion of October terms 1957-59

[October term 1959 ended June 27, 1960; corresponds to fiscal year 1960]

	Original			Appellate			Miscellaneous			Total		
	1957	1958	1959	1957	1958	1959	1957	1958	1959	1957	1958	1959
Number of cases on dockets.....	13	15	12	1,104	1,041	1,047	891	1,006	1,119	2,008	2,062	2,178
Number disposed of during terms.....	1	3	0	967	886	860	815	892	962	1,783	1,781	1,822
Number remaining on dockets.....	12	12	12	137	155	187	76	114	157	225	281	356

	Terms		
	1957	1958	1959
Distribution of cases disposed of during terms:			
Original cases.....	1	3	0
Appellate cases on merits.....	297	245	215
Petitions for certiorari.....	670	641	645
Miscellaneous docket applications.....	815	892	962
Distribution of cases remaining on dockets:			
Original cases.....	12	12	12
Appellate cases on merits.....	68	84	116
Petitions for certiorari.....	69	71	71
Miscellaneous docket applications.....	76	114	157

An appropriation of \$1,479,000 is requested for salaries of the Supreme Court staff for 1962. This represents an increase of \$23,000 over the 1961 appropriation for this item.

Detailed justification

	Actual, 1960			Estimate, 1961			Estimate, 1962		
	Number of positions	Average number employed	Cost	Number of positions	Average number employed	Cost	Number of positions	Average number employed	Cost
Full-time employment.....	164	154	\$1,168,787	166	162	\$1,288,406	168	164	\$1,315,306
Part-time employment.....	20	17	59,467	20	20	73,694	20	20	73,694
Temporary employment.....			4,324			5,000			5,000
Regular pay in excess of 52-week base.....			6,951			3,900			
Employer's life insurance contributions.....			3,652			4,800			4,800
Employer's health benefits contributions.....						11,200			11,200
Employer's retirement fund contributions.....			60,394			69,000			69,000
Total.....	184	171	1,303,575	186	182	1,456,000	188	184	1,479,000
Savings.....			32,025						
Total appropriation or estimate.....			1,335,600			1,456,000			1,479,000

Personal services

\$13,932 is required to grant regular in-grade promotions which will become due in 1962. \$12,968 is requested to establish two new positions: a reference librarian at grade 9 and a finisher (carpenter shop) at grade 7. The reference librarian is needed to assist in providing reference and loan service for attorneys and members of the Court staff who use the library, so that the assistant librarians may be freed for the more important and demanding reference and research work for members of the Court. The finisher (carpenter shop) is required to assist in the repair and refinishing of Court and office furniture, which requires increasing attention after 25 years of service. These items total \$26,900. However, there is an offsetting decrease of \$3,900, which was needed to pay an extra compensable day during 1961, making the net requested increase \$23,000.

NEW POSITIONS REQUESTED

Mr. ROONEY. The request for salaries is in the amount of \$1,479,000, which would be an increase of \$109,000 over the current fiscal year to date. Included is a request for the two new positions referred to at page 4 of the justifications. One is a reference librarian, \$7,078, and the other a finisher (carpenter shop), \$5,890.

What about these positions? How many people do you presently have in the library?

Miss NEWMAN. Mr. Chairman, the total staff numbers 14.

Mr. ROONEY. Why can you not get along with the 14?

Miss NEWMAN. The work has increased since our last enlargement of the staff in 1947, and our book collection has grown.

Mr. ROONEY. Are we to understand you have not had an increase in the library since 1947?

Miss NEWMAN. That is correct, not in the reference staff. We had one staff member added in 1950.

Mr. ROONEY. How about the library?

Miss NEWMAN. None in the reference staff since 1947.

Mr. ROONEY. How many have you had since 1947 in the library, overall? How many new positions?

Miss NEWMAN. One new position was added in 1950, the position of secretary to the librarian and assistant cataloguer. That is the only one added since 1947. This new position is for a reference librarian to assist in the work for the members of the Court staff and the members of the bar.

PRINTING AND BINDING SUPREME COURT REPORTS

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Printing and binding Supreme Court reports (total obligations) (object class 24).....	90	90	92
Financing: New obligational authority (appropriation).....	90	90	92

Mr. ROONEY. The next item is that for printing and binding Supreme Court reports, which appears at page 140 of the committee print and at pages 10 through 14 of the justifications.

We shall insert pages 10 through 14 at this point in the record. (The pages follow:)

PRINTING AND BINDING SUPREME COURT REPORTS

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....				\$90,000
Base for 1962.....				90,000
Net difference, 1962 over 1961:				
	Requirements		Difference increase (+) or decrease (-)	
	1961 adjusted	1962 estimate		
Printing and binding Supreme Court reports.....	\$90,000	\$92,000	+\$2,000	+2,000
Total estimate for 1962.....				\$92,000

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
24 Printing and reproduction.....	\$90,000	\$92,000	+\$2,000
Total.....	90,000	92,000	+2,000

Summary of increased requirements for 1962

Nature of expense (or savings)	Amount
Printing and reproduction:	
Increase for printing and reproduction of slip opinions, preliminary prints and bound volumes of Supreme Court reports.....	\$2,000
Total increase.....	2,000

JUSTIFICATION

Language changes

None.

Detailed justification

An appropriation of \$92,000 is requested for printing and binding Supreme Court reports in 1962, an increase of \$2,000 over the amount appropriated for 1961. This work is required by statute and is performed by the Government Printing Office at rates fixed by that agency. The actual cost during the past 3 years has been as follows:

	1958	1959	1960
For slip opinions.....	\$42,174	\$50,860	\$49,000
For preliminary prints and bound volumes.....	33,504	32,977	40,843
Total.....	75,678	83,837	89,843

It is estimated that the actual cost will be somewhat higher in both 1961 and 1962, and an increase in the maximum expenditure which will be permitted for this work in 1962 appears to be necessary if sufficient funds are to be available to print and bind the Supreme Court reports during the year.

Mr. ROONEY. This request is in the amount of \$92,000 which would be an increase of \$2,000 over the amount appropriated for this purpose in the current fiscal year.

You will recall, Mr. Justice Black, that this was explained a few moments ago and is due to the increase in rates for the printing and binding of these reports as set by the Government Printing Office.

MISCELLANEOUS EXPENSES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
21 Travel and transportation of persons.....		1	1
22 Transportation of things.....		2	2
23 Rent, communications, and utilities.....	14	15	15
24 Printing and reproduction.....	14	15	15
25 Other services.....	6	7	10
26 Supplies and materials.....	20	19	19
31 Equipment.....	25	11	38
Total obligations.....	79	70	100

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Miscellaneous expenses, Supreme Court (total obligations).....	79	70	100
Financing: New obligational authority.....	79	70	100
New obligational authority:			
Appropriation.....	74	70	100
Reappropriation.....	5		

The third item is entitled "Miscellaneous expenses," Supreme Court, and appears on page 141 of the committee print and at pages 15 through 21 of the justifications. We shall insert at this point in the record pages 15 through 21.

(The pages follow:)

MISCELLANEOUS EXPENSES, SUPREME COURT OF THE UNITED STATES

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act..... \$69,800
 Base for 1962..... 69,800
 Net difference, 1962 over 1961:

	Requirements		Difference increase (+) or decrease (-)	
	1961 appropriated	1962 estimate		
Miscellaneous expenses, Supreme Court.....	\$69,800	\$100,000	+\$30,200	+30,200
Total estimate for 1962.....				100,000

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
21 Travel and transportation of persons.....	\$1,000	\$1,000	-----
22 Transportation of things.....	2,000	2,000	-----
23 Rent, communications, and utilities.....	15,000	15,000	-----
24 Printing and reproduction.....	15,000	15,000	-----
25 Other services.....	7,200	10,000	+\$2,800
26 Supplies and materials.....	19,000	19,000	-----
31 Equipment.....	10,600	38,000	+\$27,400
Total.....	69,800	100,000	+\$30,200

Summary of increased requirements for 1962

Nature of expense (or savings)	Amount
Other services:	
For restoration of Peale portrait of Chief Justice John Marshall	\$3,800
For restoration of portraits of Justices.....	(—) 1,000
Total other services.....	2,800
Equipment:	
For 8 display cases for exhibits.....	17,200
For replacement of worn draperies.....	5,200
For replacement of furniture.....	5,000
Total equipment.....	27,400
Total (net) increase.....	30,200

JUSTIFICATION

Language changes

None.

Objectives

This appropriation provides for the miscellaneous expenses of the Supreme Court which include the purchase of office, janitorial, and other housekeeping supplies, materials, and equipment; travel (including automobile transportation for the Court and its officers); communication services; and penalty mail. Printing and binding, except for the U.S. reports, also is paid for from this appropriation.

General justification

An appropriation of \$100,000 is requested for 1962. Items of increase totaling \$30,200, detailed below, are required to adequately supply the Court's needs for supplies, equipment, and other miscellaneous expenses.

Other services

It is requested that the appropriation which has been made available over the period of the last 5 years for cleaning, restoring, and repairing the portraits of former Justices of this Court, be increased from \$1,000 to \$3,800 for the fiscal year 1962. This would permit the completion of the program by providing sufficient funds to restore the last of the collection of portraits: the Rembrandt Peale portrait of Chief Justice John Marshall. This portrait, painted from life, is among the most significant works of one of the finest artists this country has produced, and is of great historic as well as artistic significance.

Equipment

An increase of \$27,400 in this allotment is requested. Of this amount \$17,200 is requested for the purchase of eight exhibit cases for the display of original documents reflecting the participation of this Court in the formative years of our Nation's history. The installation would be permanent; it would involve no recurring cost except \$756 for annual servicing of the security mechanism. The

proposed exhibit would provide a source of information and inspiration for the more than 500,000 persons who visit the Court annually, including a large proportion of young men and women from our Nation's schools. Even when the Court is in session the restricted capacity of the courtroom, accommodating a maximum of 180 persons, makes it impossible for any substantial number of visitors to have any meaningful contact with the Court in the absence of an exhibit of the type proposed. The contents of the exhibit would be selected, arranged, and periodically renewed by the National Archives, using existing personnel and funds. Many of the original documents which would be displayed have become available for exhibition only recently.

As a result of a series of fires in the late 1800's, the early records of the Court were so damaged, dry, and brittle, that they could not be handled without danger of irreparable injury. Through the efforts of the National Archives, these records have been restored and repaired, and for the first time in our century can now be made available to the public. Included are the original case files in *Chisolm v. Georgia* (1793), *Marbury v. Madison* (1803), *McCulloch v. Maryland* (1819), and *Gibbons v. Ogden* (1824); a large number of early manuscript opinions, including a score or more written entirely in the hand of Chief Justice John Marshall; two of Chief Justice Marshall's personal bench dockets; drafts of famous cases of Chief Justice Taney; a number of papers in Abraham Lincoln's hand, from cases in which he appeared in this Court; the original attorneys' roll bearing the signatures of lawyers admitted to the Court between 1790 and 1806; the Court's minute book containing a complete record of courtroom proceedings from 1790 through 1805; and a large number of other documents of similar interest. Exhibits of the type proposed have been installed in the public areas of the headquarters buildings of many Government agencies, and have proved to be of great interest and value. Notable examples are found in the Department of the Treasury, Department of Justice, Post Office Department, Department of Interior, Department of Agriculture, Department of Commerce, and the Library of Congress. A temporary exhibit relating to the life and work of Chief Justice John Marshall set up within the Supreme Court Building in the area proposed for the permanent exhibit, during the week of August 29 through September 2, was viewed by approximately 10,000 persons, and was the subject of widespread favorable comment.

An increase of \$10,000 is requested in the amount available for the purchase of office furnishings and equipment; \$5,000 of this amount would be used to begin the systematic repair and replacement of draperies in the chambers of the Justices and the conference rooms of the Court. It is estimated that the total ultimate expenditure required to restore the draperies in these areas would be approximately \$23,000. Repair and replacement of the draperies is made necessary by normal wear and tear from 25 years of continuous use. The remaining \$5,000 of the \$10,000 increase is requested for the purchase of desks, chairs, cabinets, file cases, other office furniture, and maintenance equipment. Because of the cumulative effects of long use and increasing costs, the amount now available for this purpose has proven inadequate to replace wornout items and meet new needs.

Mr. ROONEY. These pages indicate that the request is in the amount \$100,000 which would be an increase of \$30,200 over the amount appropriated for these expenses in the current fiscal year. The increases are set forth at page 17 of these justifications.

Mr. Justice, so we thoroughly understand this, you have a furniture shop over there, do you not?

Mr. Justice BLACK. Yes, sir.

REPLACEMENT OF FURNITURE

Mr. ROONEY. What is this item of \$5,000 for replacement of furniture?

Mr. Justice BLACK. That is desks, chairs, cabinets, file cases, and other office equipment which, from time to time, has to be replaced. That is what it is, Mr. Chairman. We need it.

Mr. ROONEY. This item is to purchase various items of furniture?

Mr. Justice BLACK. That is right.

Mr. ROONEY. And additional items of furniture, would you say?
Mr. Justice BLACK. That is right.

AUTOMOBILE FOR THE CHIEF JUSTICE

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation: Permanent positions.....	4	5	5
21 Travel and transportation of persons.....	1	1	1
26 Supplies and materials.....	1	1	1
Total obligations.....	6	7	7

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	1	1	1
Average number of all employees.....	1	1	1
Number of employees at end of year.....	1	1	1

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Automobile for the Chief Justice (total obligations).....	6	7	7
Financing: New obligational authority.....	6	7	7
New obligational authority:			
Appropriation.....	6	6	7
Proposed supplemental due to pay increases.....		1	

Mr. ROONEY. The next item is entitled "Automobile for the Chief Justice." It appears at page 144 of the committee print and pages 34 through 38 of the justifications, which pages we shall insert at this point in the record.

(The pages follow:)

AUTOMOBILE FOR THE CHIEF JUSTICE, SUPREME COURT

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....	\$6,365
1961 proposed supplemental due to pay increases.....	223
Base for 1962.....	6,588
Net difference, 1962 over 1961:	

	Requirements		Difference increase (+) or decrease (-)	
	1961 appropriated	1962 estimate		
Automobile for the Chief Justice, Supreme Court.....	\$6,588	\$6,702	+\$114	+114
Total estimate for 1962.....				6,702

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....			
12 Personnel benefits.....	\$4,698	\$4,805	+\$107
21 Travel and transportation of persons.....	400	407	+7
25 Other services.....	500	500	
26 Supplies and materials.....	290	290	
	700	700	
Total.....	6,588	6,702	+114

Summary of increased requirements for 1962

Object	Amount
Personnel compensation:	
Provision for within-grade salary advancements.....	\$125
Deduction for extra compensable day not required in 1962.....	-18
Total personnel compensation.....	107
Personnel benefits: To cover agency contributions to the civil service retirement fund in relation to increase in personnel compensation.....	7
Total (net) increase.....	114

JUSTIFICATION

Language changes

None.

Objectives

To provide for an automobile for the Chief Justice of the United States.

Detailed justification

This appropriation covers the cost of providing an automobile for the Chief Justice of the United States. Services included are the chauffeur's salary, employer's contributions for life insurance, health benefits, and the retirement fund, gasoline and oil, repairs and rental.

Personnel compensation

One hundred and twenty-five dollars is required to grant a regular within-grade promotion which will become due in 1962; there is an offsetting decrease of \$18 for an extra compensable day not required in 1962.

Personnel benefits

Seven dollars is requested to cover increased agency contributions to the civil service retirement fund required by an increase in personnel compensation.

Mr. ROONEY. The request is in the amount of \$6,702, which would be an increase of \$337. This is the result of changes in the law with regard to pay increases?

Mr. Justice BLACK. That is right.

Mr. ROONEY. Within-grade promotions?

Mr. Justice BLACK. That is correct.

Mr. ROONEY. Are there any questions with regard to this, gentlemen?

If not, we shall now turn to the last item entitled "Care of Buildings and Grounds."

CARE OF BUILDINGS AND GROUNDS

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Permanent positions.....	177	185	188
Other personnel compensation.....	42	49	49
Total personnel compensation.....	219	234	237
12 Personnel benefits.....	12	15	17
25 Other services:			
General annual repairs.....	7	9	9
Annual painting.....	4	2	3
Maintenance, air-conditioning system.....	10	2	2
Roof repairs.....	23		10
Installation of bronze display cases.....			3
Pointing exterior stonework.....	18	18	
Installation of electronic bird-elimination system.....	34		
Improved lighting, judges' chambers.....	3		
Supplies and materials.....	9	6	6
31 Equipment:			
Annual.....	1	1	1
Sump pumps.....	1		
Metal shelving and lighting.....	4		
Total obligations.....	345	287	288

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	33	33	33
Average number of all employees.....	33	33	33
Number of employees at end of year.....	33	33	33

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Structural and mechanical care of Supreme Court Building and grounds, including supplying of mechanical furnishings and equipment (total obligations).....	345	287	288
Financing: Unobligated balance lapsing.....	2		
New obligational authority (appropriation).....	347	287	288

Mr. ROONEY. This item is to be found at page 142 of the committee print and at pages 22 through 33 of the justifications.

It is a request in the amount of \$288,000 which would be a requested increase of \$800 over the appropriations in the current fiscal year. At page 23 of these justifications there is to be found the list of increases offset except for the \$800 by the nonrecurring items of \$18,000 for pointing exterior stonework.

What do we need roof repair for, Mr. Stewart? Is that the result of the installation of that birdproofing equipment?

Mr. STEWART. \$10,000 is to complete the program of roof repairs, commenced in fiscal year 1960. In 1960 an allotment of \$23,000 was allowed for the replacement of the copper gutters and sections of the roof in need of repair and replacement. Under this allotment approxi-

mately 60 percent of the work found necessary to be done has been accomplished. No funds were requested for this purpose in 1961. It is requested that an allotment of \$10,000 be allowed for 1962 in order to resume and complete the work remaining to be done. This work is necessary for the proper preservation of the building.

Mr. ROONEY. Are there any questions, gentlemen?

(No response.)

Mr. ROONEY. If there are no questions, we thank you, Mr. Justice Black and Mr. Justice Clark, your associates and your staff.

Mr. Justice BLACK. We thank you, Mr. Chairman.

Mr. Justice CLARK. Thank you, Mr. Chairman.

THURSDAY, FEBRUARY 23, 1961.

COURT OF CUSTOMS AND PATENT APPEALS

WITNESSES

HON. EUGENE WORLEY, CHIEF JUDGE

HON. I. JACK MARTIN, ASSOCIATE JUDGE

JOSEPH G. GAUGES, MARSHAL

SALARIES AND EXPENSES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Permanent positions.....	275	303	305
Positions other than permanent.....		10	10
Other personnel compensation.....	1	1	
Total personnel compensation.....	276	314	316
12 Personnel benefits.....	14	17	17
21 Travel and transportation of persons.....	1		
23 Rent, communications, and utilities.....	2	2	2
24 Printing and reproduction.....	9	17	17
25 Other services.....	1	1	1
26 Supplies and materials.....	1	1	1
31 Equipment.....	3	4	4
Total obligations.....	308	357	359

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	26	28	28
Full-time equivalent of other positions.....		1	1
Average number of all employees.....	25	28	28
Number of employees at end of year.....	26	28	28

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Salaries and expenses (total obligations)	308	357	359
Financing: Unobligated balance lapsing	24		
New obligational authority	332	357	359
New obligational authority:			
Appropriation	332	343	359
Proposed supplemental due to pay increases		14	

Mr. ROONEY. The next item is that for the Court of Customs and Patent Appeals.

This is to be found at page 146 of the committee print and at pages 39 through 45 of the justifications. We shall insert these pages of the justifications at this point in the record.

(The pages follow:)

SALARIES AND EXPENSES, COURT OF CUSTOMS AND PATENT APPEALS

Statement relating appropriation estimates to current appropriation

1961 appropriation in annual act	\$343,000
1961 proposed supplemental due to pay increases	14,300
Base for 1962	357,300
Net difference—1962 over 1961:	

	Requirements		Difference, increase (+) or decrease (-)
	1961 adjusted	1962 estimate	
Salaries and expenses	\$357,300	\$359,000	+\$1,700
Total estimate for 1962			359,000

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation	\$314,400	\$316,000	+\$1,600
12 Personnel benefits	17,350	17,450	+100
21 Travel and transportation of persons	300	300	
22 Transportation of things	50	50	
23 Rent, communications, and utilities	2,300	2,300	
24 Printing and reproduction	17,000	17,000	
25 Other services	1,100	1,100	
26 Supplies and materials	1,000	1,000	
31 Equipment	3,800	3,800	
Total obligations	¹ 357,300	359,000	+\$1,700

¹ Includes \$14,300 proposed supplemental due to pay increases.

Summary of increased requirements for 1962

Nature of expenses (or savings)

	Amount
1. Deduction for extra compensable day in 1961, not required in 1962	(-) \$660
2. Provision for within-grade salary advancements	2,360
Total (net) increase	1,700

JUSTIFICATION

Language changes

None.

Objectives

This appropriation is for the salaries of the chief judge, four associate judges, and other officers and employees of the Court of Customs and Patent Appeals as well as for communications, supplies, and other incidental expenses of the court. For data as to the functions of the court, its jurisdiction and basic statutory authorities, reference is made to section F of the Digest of Appropriations, the judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

The volume of business being handled by the Court of Customs and Patent Appeals has increased steadily during the past 5 years. During 1960, 45 customs cases were docketed as compared with 31 in 1956, an increase of approximately 45 percent. Since 1956 the number of patent and trademark cases has doubled, 127 such cases having been docketed during 1960 as compared with only 63 docketed in 1956. In 1960, 41 customs cases and 122 patent and trademark cases were disposed of as compared with only 29 and 70 such cases respectively being disposed of during 1956. A summary of the business of the court from 1956 through 1960 follows:

	1956	1957	1958	1959	1960
Customs cases:					
Pending, beginning of year	21	23	20	30	35
Docketed during year	31	40	42	40	45
Disposed of during year	29	43	32	35	41
Pending, end of year	23	20	30	35	39
Patent and trademark cases:					
Pending, beginning of year	91	84	92	92	129
Docketed during year	63	82	83	107	127
Disposed of during year	70	74	83	70	122
Pending, end of year	84	92	92	129	134

Detailed justification

An appropriation of \$359,000 is requested for 1962, a net increase of \$1,700 over the appropriation for 1961 which has been adjusted to include "pay costs" under the Federal Employees Salary Increase Act of 1960 (Public Law 86-568). The net increase in requirements for 1962 is explained below:

Deduction for extra compensable day

The sum of \$660 representing the cost of an extra compensable day in fiscal year 1961 has been deducted in establishing the requirements for fiscal year 1962. Employees of the court who are paid biweekly will be compensated for 261 days in fiscal year 1961, whereas, in 1962 there are only 260 compensable days.

Provision for within-grade salary advancements

It is estimated that \$2,360 will be required in fiscal year 1962 to grant court employees within-grade salary advancements corresponding with those provided by title VII of the Classification Act of 1949, as amended. The estimate includes \$2,260 for personnel compensation and \$100 to cover related agency contributions for retirement and life insurance. Due to very little turnover in the personnel of the court, no savings can be anticipated to offset the cost of within-grade salary advancements due.

PAY ACT AND WITHIN-GRADE SALARY INCREASES

Mr. ROONEY. These pages indicate that the request is in the amount of \$359,000 which would be a modest increase of \$16,000 over the amount appropriated for this court in the current fiscal year. It appears that the increase of \$16,000 is for pay act and within-grade salary advancements and for no other purpose.

Judge WORLEY. That is my understanding.

Mr. ROONEY. You do not want to make any statement with regard to this?

Judge WORLEY. No.

Mr. ROONEY. You just came up to pay us a courtesy call?

Judge WORLEY. Partly.

Mr. ROONEY. Is that about it?

Judge WORLEY. We are always glad to be here, Mr. Chairman. We appreciate the understanding and help you and your committee have given us in the past.

Mr. ROONEY. You have not found any place where we might make a reduction?

Judge WORLEY. Frankly, we have not looked specifically for such a place, but, as you know, each year we turn back funds rather than seek a supplemental deficiency.

Mr. ROONEY. We never have had any difficulty with this court over all the years I have sat on this committee.

Judge WORLEY. I trust you never will.

Mr. ROONEY. If there are no questions, gentlemen, I should like to express our thanks to Chief Judge Worley, Judge Martin, and Mr. Gauges for their kindness in coming over and calling upon us.

Judge WORLEY. Thank you, Mr. Chairman.

THURSDAY, FEBRUARY 23, 1961.

CUSTOMS COURT

WITNESSES

HON. WEBSTER J. OLIVER, CHIEF JUDGE

HON. SCOVEL RICHARDSON, JUDGE

EDWARD J. CAREY, CLERK

MRS. VIRGINIA M. HORNCastle, CHIEF DEPUTY CLERK

SALARIES AND EXPENSES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Permanent positions.....	630	730	785
Positions other than permanent.....	17	7	7
Other personnel compensation.....	3	2	
Total, personnel compensation.....	650	739	792
12 Personnel benefits.....	36	47	51
21 Travel and transportation of persons.....	18	20	22
22 Transportation of things.....	5	4	5
23 Rent, communications, and utilities.....	10	10	11
24 Printing and reproduction.....	6	5	11
25 Other services.....	19	2	3
26 Supplies and materials.....	6	6	6
31 Equipment.....	23	8	35
Total, obligations.....	774	840	935

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	86	89	95
Full-time equivalent of other positions.....	4	2	2
Average number of all employees.....	83	90	95
Number of employees at end of year.....	93	90	95

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Salaries and expenses (total obligations).....	774	840	935
Financing: Unobligated balance lapsing.....	14		
New obligational authority.....	788	840	935
New obligational authority:			
Appropriation.....	788	799	935
Proposed supplemental due to pay increases.....		41	

Mr. ROONEY. The next item is that for the Customs Court and is to be found at page 148 of the committee print. Pages 46 through 66 of these justifications should be inserted at this point in the record. (The pages referred to follow:)

*SALARIES AND EXPENSES, CUSTOMS COURT**Statement relating appropriation estimate to current appropriation*

1961 appropriation in annual act.....	\$799,260
1961 proposed supplemental due to pay increases.....	41,240
Base for 1962.....	840,500
Net difference—1962 over 1961:	

	Requirements		Difference, increase (+) or de- crease (-)
	1961 adjusted	1962 estimate	
Salaries and expenses.....	\$840,500	\$935,000	+\$94,500
Total estimate for 1962.....			935,000

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$738,600	\$791,600	+\$53,000
12 Personnel benefits.....	46,900	50,800	+3,900
21 Travel and transportation of persons.....	20,000	22,000	+2,000
22 Transportation of things.....	4,000	5,000	+1,000
23 Rent, communications, and utilities.....	10,000	10,600	+600
24 Printing and reproduction.....	5,000	11,000	+6,000
25 Other services.....	2,000	3,100	+1,100
26 Supplies and materials.....	6,000	6,200	+200
31 Equipment.....	8,000	34,700	+26,700
Total obligations.....	¹ 840,500	935,000	+\$94,500

¹ Includes \$41,240 proposed supplemental due to pay increases.

Summary of increased requirements for 1962

<i>Nature of expenses (or savings)</i>		<i>Amount</i>
1. Deduction for extra compensable day in 1961, not required in 1962-----	(-)	\$2,150
2. Provision for within-grade salary advancements-----		10,850
3. Salary adjustments-----		14,400
4. 6 additional positions—2 new positions for the marshal's office and 4 new positions for the clerk's office (compensation and benefits)-----		33,800
5. Miscellaneous expenses relating to new personnel (including the nonrecurring cost of providing equipment and furniture)-----		3,300
6. For an increase in the volume of travel required by the court----		2,000
7. To cover higher parcel post rates and an increase in the volume of transportation of things-----		1,000
8. To cover contractual rate increases and an increase in the printing requirements of the court-----		6,000
9. Additional amount required for repairs to equipment and furniture-----		1,000
10. To cover contract rate increases, additional continuation material, and expansion of the court library-----		10,000
11. To purchase replacement furniture which prior to 1960 was provided by the General Services Administration-----		2,500
12. Nonrecurring expense of furniture and furnishings required incident to the occupancy of a new building at Houston, Tex.----		11,800
Total (net) increase-----		94,500

JUSTIFICATION

Language changes

None.

Objectives

The estimate under this title is to provide for the salaries of the judges and supporting personnel of the U.S. Customs Court, and the necessary operating expenses of the court, including traveling expenses, expressage, communication services, printing and binding, supplies, equipment including furniture, new books, and regular continuations of reports, encyclopedias, digests, and pocket parts for various sets, and miscellaneous items of expense for the fiscal year 1962. For data as to the functions of the court, its jurisdiction, and basic statutory authorities, reference is made to section G of the Digest of Appropriations, the judiciary, on file with the Bureau of the Budget and the Appropriations Committees of Congress.

Detailed justification

An appropriation of \$935,000 is requested for 1962, a net increase of \$94,500 over the appropriation for 1961, which has been adjusted to include "pay costs" under the Federal Employees Salary Increase Act of 1960 (Public Law 86-568). The net increase in requirements for 1962 is explained below:

Deduction for extra compensable day

The sum of \$2,150 representing the cost of an extra compensable day in fiscal year 1961 has been deducted in establishing the requirements for fiscal year 1962. Officers and employees of the court who are paid biweekly will be compensated for 261 days in fiscal year 1961, whereas, in 1962 there are only 260 compensable days.

Provision for within-grade salary advancements

It is estimated that \$10,850 will be required in fiscal year 1962 to grant court employees within-grade salary advancements corresponding with those provided by title VII of the Classification Act of 1949, as amended. Of the total requested \$10,200 is for personnel compensation and \$650 for related agency contributions to the retirement fund and for group life insurance. The estimate is net of anticipated savings due to turnover and it represents the minimum amount that will be required to meet such costs in 1962.

Salary adjustments

The sum of \$14,400 is included for salary adjustments as follows:

Clerk-stenographers (9 positions) from grade GS-7 to GS-10.....	\$9,000
Court reporters (5 positions) from grade GS-12 to GS-13.....	2,900
Clerk-deputy marshal, from grade GS-5 to GS-7.....	850
Assistant to the clerk, from grade GS-7 to GS-9.....	750
Total personnel compensation.....	13,500
Related agency contributions for retirement and life insurance.....	900
Total personal services and benefits.....	14,400

Clerk-stenographers in judges' chambers.—To enable the judges of the court to retain competent stenographic and secretarial services, it is requested that the secretaries in judges' chambers be regraded to GS-10. The request to create a GS-10 for each judge is made in order to continue the practice in the court of according to each judge the same status and dignity with respect to personal staff. However, not all of the judges' secretaries will be advanced to a GS-10 immediately. The court has adopted certain standards for secretaries, grade GS-7 through GS-10, similar to those adopted by the Judicial Conference, and as the secretaries of the various judges meet the requirements of the steps through GS-10, they will be advanced accordingly. There is a shortage of experienced secretaries qualified to perform the highly technical duties required of a secretary to a judge of the U.S. Customs Court and it is felt that the establishment of the grade GS-10 will enable the court to attract and retain needed competent personnel. It will constitute a promise and assurance of a career as a secretary to a judge in the Customs Court.

Court reporters.—The income of court reporters is officially based on their salary and income from the sale of transcripts. In the Customs Court the reporters must transcribe all of their notes, and their transcriptions are available to both the Government and other attorneys for inspection without charge. In a few instances attorneys representing importers order and pay for a copy of a transcript, the total income from which averages about \$500 annually to each court reporter. In other Federal courts notes are not always taken nor ever transcribed unless ordered by litigants, in which instance both the Government and other attorneys are required to pay for their copies of the transcripts, which increases the income of such court reporters considerably.

Another important factor in the request for reclassification of our court reporters is that the court has five court reporters to cover approximately 20 out-of-town circuits each year, some of which extend several weeks, in addition to the regular New York assignments. In such capacity, they perform the official duties of deputy clerk and calendar clerk on circuit. The expenses incurred by the reporters on these trips often exceed the Government allowance.

The Customs Court is located in a highly competitive area for personnel, and there are not many highly qualified court reporters available. We lost one last year to the State supreme court and experienced considerable difficulty in obtaining a replacement. The funds to permit the reclassification of the court reporters from GS-12 to GS-13 is urgently needed.

Clerk-deputy marshal.—This employee is assigned to the marshal's office of the court. Under the supervision of the marshal, he performs the following duties: serves such process and orders as directed by the court; assists in maintaining the supplies of the court; issues supplies to the judges, law assistants, and other employees of the court; maintains a record of supplies issued daily and of supplies on hand; assists in the preparation of the ordering of supplies; assists the marshal in his custodianship of all the offices and courtrooms of the court and reports to the proper authorities necessary repairs and upkeep to be made; maintains a file of the bills of lading issued by the court and keeps a record of the bills of lading issued and the amount of each shipment. In addition to the above duties, this person is a deputy marshal of the court and is required to attend court sessions in New York, and performs the duties incidental thereto.

Assistant to the clerk for methods and procedures.—A reclassification of an employee currently at the GS-7 level to the GS-9 level is requested. Under the supervision of the clerk and pursuant to the rules of the court, this employee makes comprehensive studies of the operation of procedures, methods, and forms used (1) in filing and indexing cases, (2) the making of calendars and noticing pursuant to court rules, (3) indexing of exhibits, (4) purging of old files to

clear room for new accessions, and like court operations. This employee has considerable latitude for the exercise of independent judgment when counseling with staff in operation problems following which he prepares reports recommending new procedures from time to time to meet new needs.

With an annual intake of upwards of 50,000 cases and a pending caseload of nearly 200,000, received from ports scattered among the 50 States and the territorial possessions, there is need for review of operations by an employee trained in methods and procedures. The court urges the additional appropriation necessary to elevate this important position to a grade GS-9.

Six additional positions

It is requested that the sum of \$33,800 be provided for the following additional permanent positions:

Marshal's office:	
Deputy marshal and assistant disbursing officer, GS-9-----	\$6, 448
Deputy marshal-fiscal accounts clerk, GS-7-----	5, 366
Total, marshal's office (2 positions)-----	11, 814
Clerk's office:	
Associate law clerk, GS-9-----	6, 448
3 clerk-stenographers, GS-5-----	13, 038
Total, clerk's office (4 positions)-----	19, 486
Total personnel compensation (6 positions)-----	31, 300
Related agency contributions for retirement, group life insurance, and health benefits-----	2, 500
Total personal services and benefits-----	33, 800

Marshal's office.—Prior to September 1959 the disbursement of funds of the U.S. Customs Court was done by the U.S. District Court for the Southern District of New York. September 9, 1959, legislation was enacted according the Customs Court the same privilege accorded all other Federal courts of disbursing its own funds. The assumption of the new disbursing functions together with the increase of the workload over the years necessitated the creation of two new positions in the Marshal's Office.

1. A deputy marshal and assistant disbursing officer, and
2. A deputy marshal and fiscal accounts clerk.

Deputy marshal-assistant disbursing officer.—The deputy marshal-assistant disbursing officer assists the marshal in the administration and supervision of the disbursement of funds of the court. Under the supervision of the marshal, he performs the duties of an assistant disbursing officer which include: preparing and signing checks for payment of salaries and vouchers; preparing Government vouchers—this consists of examining each voucher for accuracy as to items described, price, proper appropriation number, issuing a voucher number for each voucher, recording check number and date of check by which each voucher is paid; supervising all disbursements of funds and collections; supervising the work of clerical assistants; preparing the payrolls for both the judges and employees of the court, including the calculation of any change in pay status or payroll deductions for the judges and employees; supervising the preparation of monthly and other reports submitted to the administrative office which include:

- (a) Statement of accountability.
- (b) Statement of transactions.
- (c) Recapitulation of block control level totals of checks issued.
- (d) Listing of confirmed deposits and debit vouchers.
- (e) Listing of void-no issue checks.
- (f) Listing of number of vouchers used.
- (g) Report of disbursements and obligations.
- (h) Certificates of deposit.
- (i) Request for stoppage of payment of check issued.
- (j) Request for removal of stop payment of check.

It is his duty to be familiar with travel regulations, Retirement Manual, Comptroller decisions and General Accounting Office rulings.

In addition to the above administrative duties, this person is a deputy marshal of the court and, when absence or illness of others require it, attends court sessions in New York, and performs the duties incidental thereto.

Deputy marshal-fiscal accounts clerk.—The deputy marshal-fiscal accounts clerk, under the supervision of the marshal, makes entries in the ledger of all disbursements, such as salaries of judges and employees, travel vouchers, office expenses, and all vouchers of various expenses. He assists the disbursing officer in the preparation and payment of all vouchers; assists in preparing the figures for monthly reports submitted to the Administrative Office in Washington; maintains individual pay charts for the judges and employees; has charge of the supply room of the court; issues supplies, maintains a record of supplies issued and supplies on hand and orders supplies when needed.

In addition to the above duties, this person is a deputy marshal of the court and is required to attend court sessions in New York, and performs the duties incidental thereto.

Clerk's Office.—This budget request includes a provision for the addition of one new GS-9 position. Previous budgets have included a provision for an associate law clerk at grade GS-9 with an entrance salary of \$6,435 per annum. The request for this GS-9 position is to reinstate this position which was in our budget from the fiscal year of 1956 to fiscal year 1959. The position was reclassified in the fiscal year of 1959 and designated as deputy clerk. Because of the increase in court work and the necessity of having a capable person trained to carry on legal research, the restoration of the position of associate law clerk is requested.

The associate law clerk GS-9 position has as minimum qualifications professional training in law, equivalent to that represented by graduation from a law school of recognized standing, admission to the bar of the highest court of a State; and aptitude for exercise of judgment of legal research.

Request is made also for additional employees in the clerk-stenographer category of the court. Three new positions are requested. For the past several years, the number of new cases filed has increased. With changes in the Tariff Act, in the trade agreements and related customs provisions of the law, and new and amended Presidential proclamations, the volume of litigation is expected to increase. The number of cases for docketing on outport circuits has increased, particularly as to ports on the west coast and along the Great Lakes where the new seaway has stimulated substantial increase in inland imports. The court, through the use of part-time employees, has been able to absorb, in part only, the clerical work incident to the increased caseload. These employees will be assigned to the Protest Division, Stenographic and Typing Division, and the Reappraisal Division. These positions are requested in the clerk-stenographer GS-5 category.

Miscellaneous expenses relating to new personnel

The additional sum of \$3,300 is requested to cover miscellaneous expenses of new personnel as follows:

Communications (including postage and fees paid)-----	\$600
Supplies and materials-----	200
Equipment (including furniture)-----	2,400
Other services (repairs to equipment, etc.)-----	100
Total-----	3,300

The estimate for communications is derived on the basis of a unit cost of \$150 each for the administrative assistant to the marshal, fiscal accounts clerk, and associate law clerk and \$50 per clerk-stenographer.

The estimate for supplies and materials is derived on the basis of a unit cost of \$50 each for the GS-9 positions and GS-7 position and \$15 each for the GS-5 clerk-stenographer positions.

The amount included for furniture and equipment was derived by application of a unit cost of \$200 each for the deputy marshal-assistant disbursing officer and deputy marshal-fiscal accounts clerk and associate law clerk and \$600 per person for the clerk-stenographers.

The sum of \$100 included under "Other services" will be necessary to maintain and repair equipment of new clerk-stenographers.

Increased volume of travel required by the court

An increase of \$2,000 in the allotment for travel is requested for 1962. The sum of \$17,737 was actually expended in the fiscal year 1960, and, in view of the need for more extensive travel by the court and its personnel in 1962, and the increase in subsistence due to heavier outport dockets, it is requested that the allotment for such purposes be increased to \$22,000 for the coming year.

Increased volume of transportation of things and high parcel post rates

In the fiscal year 1960, the court was required to expend \$5,293 for transportation of things, or \$2,793 in excess of the amount allocated. While the sum of \$4,000 was requested and allowed for the fiscal year 1961, it is believed that an additional sum of \$1,000 will be deemed necessary for fiscal 1962 to take care of the shipping costs connected with the increased number of cases being docketed at outports, particularly at the ports of San Francisco, Los Angeles, and the newly scheduled ports in the States of Alaska and Hawaii; also to take care of the additional expressage and other costs incurred by the increase in the bulk of files that have to be transmitted to respective collectors and appraisers for the purpose of study in connection with proposed stipulations and for other reasons.

Increase in printing requirements of the court and contract rate increases

An additional \$5,800 is requested for the printing of forms and other printed matter which will be required in order to conform to the new flat filing system being installed in the court and \$200 is requested to bind 200 copies of the amended rules of the court with buckram covers.

Additional amount required for repairs to equipment and furniture

An additional amount of \$1,000 is requested for repairs to equipment and furniture. While the General Services Administration continues to supply building maintenance, the court is billed for repairs to furniture, equipment, etc. The court has never received funds for this purpose. It is estimated that these charges will be approximately \$1,000 for fiscal 1962.

Contract rate increases, additional continuation material, and expansion of the court library

The sum of \$10,000 is requested to cover contract rate increases, continuation material required to maintain the library, and for the purchase of needed law books.

To purchase replacement furniture which prior to 1960 was provided by the General Services Administration

It is requested that the sum of \$2,500 be provided for the purchase of new furniture, furnishings, and equipment as well as the replacement of old furniture, etc., which prior to July 1, 1959, was supplied by the General Services Administration.

Nonrecurring expense of furniture and furnishings required incident to the occupancy of a new building at Houston, Tex.

This sum also includes \$11,800 (a cost figure supplied by the General Services Administration) for furniture and furnishings required incident to the Customs Court quarters in the new Federal court building at Houston, Tex. This is a nonrecurring item. The estimated completion date for the new Federal court building at Houston, Tex., is February 24, 1962.

TOTAL REQUESTED INCREASE

Mr. ROONEY. These pages indicate that the request is in the amount \$935,000, which would mean a requested increase of \$135,740 over the amount appropriated to date in the current fiscal year.

The requested increases are set forth at pages 48 and 49 of the justifications.

We are honored to have with us this morning Chief Judge Oliver, Judge Richardson, Mr. Carey, the clerk of court, and Mrs. Horncastle. Judge Oliver, have you a general statement with regard to this?

GENERAL STATEMENT

Judge OLIVER. As far as the court is concerned, you gentlemen all know the court, so I will not encumber the record or waste your time talking about the Customs Court as such.

Regarding the application which was made here for certain increases, as you know, and as you, Mr. Chairman, pointed out when I was before you last year, under Public Law 86-243, the court as such approves all these fiscal matters, although I am the titular head of the court. So I have asked the chairman of our budget committee, Judge Richardson, to come down today. He has made himself familiar with all the increases requested, both in personnel and in dollars and cents. Therefore, I shall ask Judge Richardson to carry on and to take up the entire question of our budget with you gentlemen.

Mr. ROONEY. Judge Richardson, we shall be glad to hear from you.

WORKLOAD

Judge OLIVER. I am reminded, Mr. Chairman, that every year you ask us about the workload and we give you certain figures. I think either you or Congressman Bow last year brought the question up. Each year I say to you I will prepare a chart and submit it to you. So this year we have tried to anticipate your request and have prepared a simple workload chart from 1956 through 1960. I brought extra copies so each member of the committee may have one, and also one for the record. I think that is what you want.

That is all, sir. Thank you.

Mr. ROONEY. We shall insert this workload chart at this point in the record.

(The chart referred to follows:)

Fiscal year	Classification cases received	Reap-praise-ment cases received (appeals, reviews, petitions, and remand of protests)	Total all cases received in court	Classification cases decided	Reap-praise-ment cases decided (appeals, reviews, petitions, and remand of protests)	Total all cases decided in court	Classification cases pending at close of fiscal year	Reap-praise-ment cases (appeals, reviews, petitions, and remand of protests) pending at close of fiscal year	Total all cases pending at close of fiscal year
1956-----	32,184	18,731	50,915	19,902	13,871	33,773	131,567	85,198	216,765
1957-----	24,670	16,427	41,097	19,931	25,410	45,341	136,306	76,215	212,521
1958-----	25,047	27,283	52,330	38,478	16,299	54,777	122,875	87,199	210,074
1959-----	33,829	22,493	56,322	26,094	21,074	47,168	130,610	88,618	219,228
1960-----	33,397	20,031	53,428	50,336	32,499	82,835	113,671	76,150	189,821

Mr. ROONEY. You may proceed, Judge Richardson.

DISPOSITION OF CASES

Judge RICHARDSON. The only comment I would want to make on the workload chart is that the cases continue to come in, in considerable volume, some 50,000 a year. During the past fiscal year we have disposed of 82,835 cases, which is a considerably larger number of cases than we have disposed of in any other year during the past five, which also reduces our total pending cases at the end of the year to 189,821 cases. This is due in large part to the fact that we had a number of key issues that were disposed of, under which a considerable number of cases had been suspended.

Mr. ROONEY. Your court is known as the court where, when you decide one case, maybe a thousand or a couple of thousand cases are automatically decided as a result of the decision in that first case. Is that correct?

Judge RICHARDSON. That is absolutely correct, Mr. Chairman. That is the principal reason for the considerable reduction. One other thing might be that we have speeded up the disposition of the cases to some extent by changing the rules by which cases come on the calendar. They come on 180 days earlier now than they did formerly. Also, we revised our filing system, so we have a flat filing system and use certain snapouts, and so on, to facilitate the typing and disposition of the cases.

ADDITIONAL POSITIONS

With respect to the increases for personnel, unless there are questions on the workload chart, we are asking for six new positions which are referred to on page 57 of our statement of justifications. The total amount requested under that heading is \$33,800.

OFFICE OF THE MARSHAL

We have had increasing demands made on the office of the marshal, and this request is made in order to have competent and adequate personnel to prepare, open, and attend courtrooms, swear in witnesses, take possession of the exhibits, of which there are many and varied kinds, some requiring refrigeration and maintenance at a particular temperature, some of considerable value which have to be placed in special vaults, and so on. The marshal's office is the place where our orders for furniture are made, where supplies are obtained, where repairs to furniture and equipment are handled. If we have plumbing difficulties or any other physical problems, the marshal's office is the place we call. They also have the responsibility for shipping files to outposts, and so on.

In addition to those regular court functions that the marshal has performed in the past, which are increasing along with the other responsibilities, we have a disbursing function which has been given to the court, which means that now our marshal's office is paying the salaries, office expenses, travel, and subsistence allowances of judges, officers, and employees of the court, which heretofore was handled by the southern district of New York. This authority was deleted from the statute of the southern district of New York and the new authority was placed in the statute of the Customs Court.

We are asking for two new positions in the marshal's office, one a GS-9 at a salary of \$6,448; the other a GS-7, at \$5,366. The first is known as the deputy marshal and assistant disbursing officer. The other is known as the deputy marshal and fiscal accounts clerk.

These two positions are the ones that are considered necessary to discharge the disbursing functions in accordance with the regulations of the Administrative Office of the U.S. courts, and they are consistent with the practices of other Federal courts in handling their disbursing functions. Our court now is the one that has the sole responsibility for this. The duties of the two officers are more specifically described on pages 58 to 60 of the justifications.

In ordinary parlance, you might say these are bookkeeping functions, with the assistant disbursing officer, you might say, being the bookkeeper, and the fiscal accounts clerk being his assistant, to make entries in the ledgers for the disbursements, to assist in the preparation of the payment of all vouchers, to assist in preparing figures for monthly reports which have to be submitted to the Administrative Office in Washington, to maintain individual pay costs for the judges and employees, to have charge of the supply room of the court, to issue supplies and maintain a record of them, and in addition to perform the duties of deputy marshal of the court.

Shall I go ahead, Mr. Chairman?

Mr. ROONEY. Please.

CLERK'S OFFICE

Judge RICHARDSON. There are four positions requested for the clerk's office. One is associate law clerk, which is a GS-9 position, \$6,448. We did have such a position in our budget for the period 1956 to 1959, and this is an attempt to restore that position to our budget. It involves legal research. Many problems arise under acts, Presidential proclamations, court procedure, and so on, which are aside from particular cases the judges may have to decide and in which the whole court would be interested. This clerk would perform that research function. He would have to be a graduate of an approved law school, admitted to the bar, and capable of exercising judgment and doing legal research.

The other three positions would be in the category of GS-5. A large number of cases continue to be filed in the court each year, as I mentioned with respect to the work chart, which shows over 50,000 each year. Through the use of some part-time employees we have been able to absorb only a part of the increasing pressure on the clerk's office for clerical assistance. One person would be assigned to each of the three divisions in the clerk's office, one to the stenographic and typing division, one to the reappraisal division, and one to the protest or classification division.

MISCELLANEOUS EXPENSES IN CONNECTION WITH NEW PERSONNEL

There are certain miscellaneous expenses in relationship to the new personnel, which are referred to on pages 62 and 63 of our estimate, which I understand are normal requirements when additional personnel are added: Communications, \$600; supplies and materials, \$200; equipment, \$2,400; other services, repairs to equipment, \$100; making a total of \$3,300.

SALARY ADJUSTMENTS

The other category of personnel increases comes under salary adjustments, which begin on page 52. The first item under that is the clerk-stenographers in the judges' chambers. There are nine judges and nine clerk-stenographers. We are asking that they be reclassified from grade GS-7 to grade GS-10. Not all of the judges' secretaries would move into grade GS-10 at this time. When we first projected our estimate, we had thought in terms of advancing them all to GS-10 in one step, but after conferences with the Administrative Office we revised our thinking and adopted standards from grade 7 through 10

similar to those adopted by the Judicial Conference. So they will move from 7 through to 10, depending on their length of experience with the Customs Court and the degree of proficiency which they have attained.

There is a shortage of experienced secretaries and stenographers in the New York area, and in an effort to retain the qualified personnel that we do have, we feel a sense of obligation to them to ask that they be paid in accordance with what other people in the area are paid who have the same experience and degree of proficiency.

COURT REPORTERS

The second group of salary adjustments involves the court reporters. There are five positions. We are asking that they be reclassified one step from GS-12 to GS-13, which would involve a total of \$2,900. Our court reporters operate differently from those in the other Federal courts, in that they must transcribe every case which they take. In the other courts, matters are transcribed which are ordered to be transcribed, and counsel both for the Government and for the private parties must pay for their transcripts. That is not a requirement in our court, and only a small percentage of the transcripts are ordered and paid for. We ran an inventory on what the court reporters were getting, and it amounts to about \$500 over the year.

Mr. ROONEY. They have less work, then, do they?

Judge RICHARDSON. No. They have more work. You see, they have to transcribe every case. Even when they do work the equivalent to what is done in the other courts, they do not get the extra compensation that is allowed by statute.

Judge OLIVER. Judge Richardson, you might inject, if you will, at this point in connection with the court reporters, that when our judges are on outport dockets, they each must be accompanied by a court reporter. Consequently, he gets a load of dictation or testimony at the outports, which he must transcribe when he gets back, in addition to whatever he left behind untranscribed when he left. I think that point might be made.

Judge RICHARDSON. That is right. We have five court reporters, and they have to spread themselves so they cover about 20 out-of-town dockets in addition to the coverage of the work in New York City. When they are on circuit they also act as the clerk and sometimes the bailiff to the judge.

DUTIES OF SECRETARIES

Mr. ROONEY. What do you do with these secretaries to the judges? What do they do when the judge goes off on a trip to hold court? Do they go with him, or do they stay back in New York?

Judge RICHARDSON. They stay back in New York, usually, to take care of the office. There is a continual flow of material into the judge's chambers, and when he is on circuit he is in touch with his office. Matters have to be mailed out to him. The progress of the calendar, and so forth, in New York must be checked on and reported to him.

Mr. ROONEY. Has it not been the system in the past that you had a stenographic pool for the use of judges because of the fact that a certain number of them were always traveling out of New York during parts of the year?

Judge RICHARDSON. That was a practice. I think, some years back.

Judge OLIVER. I can answer that, if you wish, because the chairman's question goes back before your appointment to the court.

Judge RICHARDSON. That is correct.

Judge OLIVER. I think what the chairman has in mind is that years ago, at the time I went on the bench, each judge had a law clerk-secretary who performed both the law clerk and secretarial duties. The only one who had a stenographic secretary in addition to the law clerk-secretary was the chief judge. That was because of the administrative work which he had to do. Subsequently, little by little, or by accretion, it came so that every judge on our bench now has a law assistant and a secretary.

I think that is what the chairman is asking about. Is that not correct, Mr. Chairman?

Mr. ROONEY. That is exactly what I am referring to, and I recall the testimony of Judge Johnson here on this subject. I did not know that you had one for each of the judges.

Judge RICHARDSON. I might say, Mr. Chairman, that there has been an increasing number of instances in which the judges are using their secretaries, so the size of the stenographic pool has been reduced considerably over what it was formerly, using their secretaries to type their decisions. It has speeded up the disposition of the cases.

NUMBER OF CUSTOMS COURT EMPLOYEES

Mr. ROONEY. How many employees do you have in the customs court at the present time as compared with fiscal year 1956?

Judge RICHARDSON. We went back only 5 years on the chart we brought with us, Mr. Chairman.

Judge OLIVER. He is not talking about 5 years.

Mr. ROONEY. I am talking about fiscal 1956.

Judge RICHARDSON. We have fiscal 1957, but we do not have fiscal 1956 with us.

Mr. ROONEY. What was it in fiscal 1955? Do you have that?

Judge RICHARDSON. I am sorry, we do not, Mr. Chairman. We start with 1957.

Mr. ROONEY. What do you have in 1957?

Judge RICHARDSON. Seventy-eight.

Mr. ROONEY. How much do you presently have?

Judge RICHARDSON. Eighty-nine.

Mr. ROONEY. Will you insert at this point in the record the number in fiscal 1952.

Judge RICHARDSON. We will supply it, yes.

(The information requested follows:)

Total number of permanent positions allowed in the following appropriations

Fiscal year:	Number	Fiscal year:	Number
1952.....	68	1957.....	78
1953.....	68	1958.....	79
1954.....	71	1959.....	81
1955.....	73	1960.....	86
1956.....	74	1961.....	89

Mr. ROONEY. Very well, Judge Richardson, if you will please proceed.

POSITION RECLASSIFICATIONS

Judge RICHARDSON. We are asking for the reclassification of two other positions. One is the clerk-deputy marshal, GS-5 to GS-7, involving \$850. He is a person who would serve as directed by the court to assist in the maintenance of supplies and be one of the deputy marshals for preparing, opening, and attending the courtroom.

The last one is the position of assistant to the clerk, from GS-7 to GS-9, involving \$750. He would be a methods and procedures person. We are changing our filing system from the folded file to a flat filing system and making certain other changes in routing materials, and so on, to expedite the disposition of our cases. That position is referred to more specifically on page 56 of our justifications. He would make comprehensive studies of the operations, procedures, methods, and forms used in filing and indexing of cases, the making of calendars and noticing pursuant to court rules, indexing of exhibits, purging of old files to clear room for new accessions, and like court operations. He would have considerable latitude in the exercise of independent judgment when counseling with staff on operations problems.

That concludes the presentation of personnel, unless there are other questions.

Mr. ROONEY. That is your overall statement, is it, Judge?

Judge RICHARDSON. Yes.

LENGTH OF SERVICE OF SECRETARIES

Mr. ROONEY. With regard to this matter of increasing the judges' private secretaries from GS-7 to GS-10, how many of these judges' secretaries have served in the court 5 years or more?

Judge RICHARDSON. All with the exception of three.

Mr. ROONEY. These three have been there how long?

Judge RICHARDSON. Three years in November for one, mine would be 1 year in August, and we lost one to the Supreme Court of Connecticut, a stenotypist. We recently had a replacement for him.

Mr. ROONEY. This would be quite a jump, would it not, for a person employed just about a year?

Judge RICHARDSON. No. I did not make myself clear.

Mr. ROONEY. I am speaking of the clerk-stenographers, nine positions, from GS-7 to GS-10 at a cost of \$9,000.

Judge RICHARDSON. They would not move that fast. One would go immediately to GS-10. There would be five at GS-9, who have been there 9 or 10 years, I should think. All except three have been there at least 9 years. The others would be eligible for only GS-8 at the end of the year, and then after another year or two, GS-9, and then GS-10. We were trying to establish a top for the position at GS-10, so all of the judges would be on parity when their secretaries qualified to move into those respective positions.

I think the Judicial Conference changed the rule of 10 years. It has to be a minimum of 6 years, with 4 years of performance in the Customs Court.

This is to try to assure a future to the secretaries to insure that they will stay with us.

FURNITURE AND FURNISHINGS FOR COURTROOM IN HOUSTON, TEX.

Mr. ROONEY. I note the last item shown in your justifications is for furniture and furnishings in connection with the occupancy of the new building at Houston, Tex., \$11,800.

Judge RICHARDSON. That figure was supplied to us by the Administrative Office.

Mr. ROONEY. What facilities do you presently have at Houston, Tex.?

Judge RICHARDSON. We do not have any, Mr. Chairman. They are building a new Federal building, and the policy now is to make provision for a courtroom for special courts.

Mr. ROONEY. Do you have facilities at any place other than New York City at the present time?

Judge RICHARDSON. Yes, we do have.

Mr. ROONEY. Where?

Judge RICHARDSON. Chicago, Philadelphia, Baltimore, San Francisco.

Mr. ROONEY. How many employees do you have in Chicago?

Judge RICHARDSON. We have no employees there.

Mr. ROONEY. You do not have any employees at any of these places? You have one when the judge arrives there?

Judge RICHARDSON. The court reporter goes along with us.

Mr. ROONEY. He brings his court reporter with him and moves into a room to hold court. Is that right?

Judge RICHARDSON. Yes.

NUMBER OF DAYS SPENT IN HOUSTON

Mr. ROONEY. This seems like a pretty expensive proposition, \$11,800 to furnish a room in Houston, Tex. For how long has a judge sat in Houston, Tex., in the past fiscal year?

Judge OLIVER. The question is very simple. The chairman wants to know, when we travel on out-of-town dockets and when we arrive in Houston, Tex., on the Texas docket, which takes in Houston, Laredo, Galveston, and so forth, how long do we stay in Houston to try cases?

Mr. ROONEY. How long did you stay there last year?

Judge OLIVER. It depends entirely on the calendar.

Mr. ROONEY. How many days was a judge in Houston, Tex., last year?

Judge RICHARDSON. Mr. Chairman, the clerk estimates 4 or 5 days.

Mr. ROONEY. Would 4 or 5 days be the total, Judge Richardson, that the court sat in Houston, Tex., last year?

Judge OLIVER. The answer is "Yes."

Mr. ROONEY. The year before, how many days did a judge sit in Houston, Tex.?

Judge OLIVER. Let me answer these questions, because they are so obvious.

Judge RICHARDSON. About the same time.

Judge OLIVER. We have one Texas circuit a year, and the committee wants to know, when you go on that circuit, do you go once a year or twice a year? The answer is, "Once a year." Is that not correct? We have one Texas docket. They say, if on that Texas docket—Houston is on the circuit—how much time do you spend in the court-

room in Houston? That is what they want to know; and the answer is, "Maybe 3 or 4 days." Is that not correct? Let it so appear.

Mr. ROONEY. So it would appear that you want practically \$12,000 for furniture and furnishings for a room which will be occupied about 4 or 5 days during the course of the year. Is that a fair statement?

USE OF FACILITIES BY OTHER COURTS

Judge RICHARDSON. No; not just that. Other special courts would use the courtroom as well, Mr. Chairman.

Mr. ROONEY. Why should it be paid for out of this budget?

Judge RICHARDSON. GSA used to handle all of that. We were not given that responsibility. This was referred to us from the Administrative Office.

Mr. ROONEY. Does it sound reasonable to you, Judge Richardson? This is your budget. Why should you pay \$12,000 for furniture and furnishings in a room in a building in Houston, Tex., that you occupy for only 3 or 4 or 5 days a year?

Judge OLIVER. The answer is that in the setup of the new Federal building there is a courtroom called the U.S. Customs Court Room. It is not an office. It is a courtroom, with all the courtroom facilities and all the courtroom setup. When we are not there—as I have pointed out to you, we spend a few days there a year—if the Court of Claims is holding hearings there, they of course may use our courtroom, just as today when the Court of Claims or the Tax Court come to New York they always call me. They are very nice about it. "Have you a courtroom we can use?" My answer is, "Yes; the third division on such days will be available," or "The first division," or "If we have to intrude, we will give you another courtroom." In other words, we extend that courtesy to them.

What Judge Richardson is saying is that in Houston—

Mr. ROONEY. You are a practical fellow, Judge Oliver. Why should you pay \$12,000 out of your budget for the furniture and furnishings in a courtroom that you will occupy for only 3 or 4 or 5 days out of 365 days and which is going to be occupied by the Court of Claims or any other court?

Judge RICHARDSON. I think it may have come about in this way, Mr. Chairman: Judge Johnson has been down there several times and has not been able to obtain a courtroom.

Mr. ROONEY. Did our old friend Judge Johnson put this in this budget?

Judge RICHARDSON. No. I am not sure; he may have made the recommendation originally. We called to the attention of the Administrative Office the need for some facility when we went there. That may account for the reason that we are the ones who appear to be carrying the ball, but the other courts, I am sure, have had similar experiences.

The thing is, Mr. Chairman, the lawyers and the witnesses come from areas other than Houston, and to set a calendar and have them come a long distance and go there and not be able to provide a courtroom where they can have a hearing is embarrassing to the judge and puts the counsel and witnesses at a disadvantage.

Mr. ROONEY. The taxpayers would save money if you rented the ballroom in the Shamrock Hotel to hold court, would they not?

Judge RICHARDSON. I did not get that, Mr. Chairman.

Mr. ROONEY. The taxpayers would save money if you rented the ballroom in the Shamrock Hotel and used it to hold court.

Judge RICHARDSON. They have a bill pending, Mr. Chairman, which passed across my desk, where Congress seems to be opposed to courts renting outside facilities like that.

OTHER FACILITIES AVAILABLE TO THE CUSTOMS COURT

Mr. CEDERBERG. Judge, do I understand that in Houston this is an entirely new Federal building and additional courtrooms are in this building?

Judge RICHARDSON. That is right.

Mr. CEDERBERG. I assume that they are building this because of the shortage of Federal facilities.

Judge RICHARDSON. That is right.

Mr. CEDERBERG. Why would it not be more economical, rather than put a Customs Court in this new Federal building that meets 4 or 5 days a year, for you to intrude, using the word of Judge Oliver, on one of the other courts inasmuch as this is going to be a new and expanded Federal facility there in Houston?

Judge RICHARDSON. That is what we have done in the past, but what happens when you go there and the presiding judge says, "I am sorry, but all of my courtrooms are being used this week"?

Mr. CEDERBERG. Judge Oliver says you can make courtroom facilities available in the large city of New York. Here is a brandnew Federal building in the city of Houston, and it seems to me you ought to be able to find some spot or arrange for a place at a time when the other facilities are not going to be used, rather than go into this elaborate idea of setting up a courtroom which I assume will say "Customs Court" and will probably be used 4 or 5 days a year, and the rest of the time will gather dust.

Did you have anything to do with the decision of putting a Customs Court in this Federal building?

Judge OLIVER. I? Are you addressing me as chief judge of the court?

Mr. CEDERBERG. Yes.

Judge OLIVER. If you are addressing me, I will reply and say that I have a committee on courtrooms, on buildings, and that committee has arranged to have a customs courtroom in the new Federal Building at Houston, Tex. We have a courtroom in Philadelphia. Of course, I go along with my court in whatever the court wants. In my travels throughout the country, I have had some rather embarrassing situations where I have not been able to get a Federal courtroom, and sometimes have had to sit in a sheriff's room or something like that. I am not much for dignity, as you may surmise. As a matter of fact, we are not required to wear our robes when we are out of town. We may or may not. In New York we have to. I have never taken a robe with me on circuit. Sometimes we will find the Federal courtrooms which we usually use are occupied, or we may find a Federal chief judge who does not want to cooperate and is not very gracious.

Mr. CEDERBERG. The strange thing is, a check of the records will indicate there are more courtrooms than there are Federal judges in

the Federal judiciary. In my State of Michigan, if you are going to hold court there, you come in a year or two and we will find courtrooms for you, because we will have almost two courtrooms for every judge.

Judge OLIVER. That is right. I do not think we have had any trouble in Chicago. I do not recall. Have we?

Mr. CAREY. Yes.

Judge OLIVER. Tell me.

Mr. CAREY. We do have facilities in Chicago.

Judge OLIVER. What do you mean by the word "facilities"? Have we a courtroom?

Mr. CAREY. Yes.

PERSONNEL ENGAGED IN THE DISBURSEMENT OF FUNDS

Mr. CEDERBERG. I have just one other question, Mr. Chairman, regarding the transfer of the disbursement of funds activity to your court in September 1959 from the southern district of New York. How many personnel do you have in your court since taking over this function?

Mr. CAREY. Two.

Mr. CEDERBERG. The answer is that you have added two people to your staff and you are requesting two more?

Judge RICHARDSON. No, just those two. We want the authorization.

Mr. CEDERBERG. Who handled it since September 1959?

Judge RICHARDSON. The same people, the same two people.

Mr. CEDERBERG. In other words, you are requesting these people, but you already have them.

Judge RICHARDSON. That is right. We were in a spot when the Administrative Office asked us to take it over January 1, 1960. They felt that it was what is done and is necessary and is consistent with other courts.

Judge OLIVER. Will you clarify this for the Congressman. I think he wants to know, you have them on there, why do you want them? In other words, is it not a fact that we have them on there but do not have the authorization or the financial provision for them?

Judge RICHARDSON. That is right.

Judge OLIVER. Explain that.

Mr. CEDERBERG. I would like to know how you are paying for them now. In other words, you took this function over in September 1959. You have hired the personnel. Now in this budget you are requesting the authorization for these personnel and the salaries to pay them. How did you pay them in this period?

Judge OLIVER. Will you answer that, Mr. Carey?

Mr. CAREY. These positions have been paid for out of lapses that we acquired from sicknesses, resignations, deaths, and things of that sort. We have been carrying these two positions.

Mr. CEDERBERG. What is the total personnel in your court?

Mr. CAREY. Eighty-nine.

Mr. CEDERBERG. So you have been able to absorb from lapses, and so forth, as you say, from these 89, enough to pay for two positions?

Mr. CAREY. With great difficulty. That is the reason we are making this request.

Mr. CEDERBERG. If you are allowed these two positions in this court, what are you going to do with the lapses that occur from here on out? Are you going to hire two more people and come back and get them authorized?

Mr. CAREY. No, sir. That is not anticipated at all, sir.

Judge RICHARDSON. Last year we did not fill the positions immediately. There were several months that we waited. We did get the authorization from Congress for a GS-14 for the law assistants, but we did not get that threshed out with the Administrative Office until late in the year. We had something from that. The same thing was true with the chief deputy's resignation. That was not filled for a while.

Mr. CEDERBERG. Why was it not filled?

Judge RICHARDSON. It takes time to make a decision and to screen the applicants. They are very important positions, and we did not want to rush making a decision on it. We hope that the people we appoint will be there for a long time. Those savings just will not be available to us next year.

Mr. CEDERBERG. I guess that answers my question, but it does leave me with a little concern when you take over a function in September of 1959 and hire two unauthorized people—

Judge RICHARDSON. It was really January 1, 1960.

Mr. CEDERBERG. Either way. The date is immaterial. You have enough money to pay these two before they are authorized and budgeted. But you have explained it to me.

Judge RICHARDSON. We did not want to do it, but there was no other way we were going to get our checks. The sole responsibility rested on us after January 1, 1960.

Mr. CEDERBERG. Whom did you place in these positions—personnel who already were on the payroll of the court, or new personnel?

Judge RICHARDSON. One was already on the payroll, and one was new. One was my secretary, whose father was with the marshal's office for many years. He asked to be assigned that responsibility.

Mr. CEDERBERG. That is all I have, Mr. Chairman.

Mr. ROONEY. As of January 1, 1960, how many employees did you have on the payroll?

Judge RICHARDSON. Eighty-eight.

Mr. ROONEY. If there are no further questions, we thank you, Judge Oliver, Judge Richardson, and Mr. Carey.

THURSDAY, FEBRUARY 23, 1961.

COURT OF CLAIMS

WITNESSES

HON. MARVIN JONES, CHIEF JUDGE
WILSON COWEN, CHIEF COMMISSIONER
WILLARD L. HART, CLERK

Mr. ROONEY. The next item is that for the Court of Claims. It appears at page 150 of the committee print and beginning at page 67 of the justifications.

We are indeed honored and pleased to have with us this morning with regard to this item the distinguished Chief Judge of the Court of Claims, the Honorable Marvin Jones; the Chief Commissioner, the Honorable Wilson Cowen; and Mr. Hart, the clerk of the Court of Claims.

SALARIES AND EXPENSES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Permanent positions.....	666	758	789
Positions other than permanent.....	6	6	6
Other personnel compensation.....	4	2	-----
Total personnel compensation.....	676	767	795
12 Personnel benefits.....	40	49	51
21 Travel and transportation of persons.....	15	18	21
23 Rent, communications, and utilities.....	9	8	8
24 Printing and reproduction.....	66	61	66
25 Other services.....	1	1	1
26 Supplies and materials.....	6	5	6
31 Equipment.....	10	6	7
Total obligations.....	822	915	955

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	74	76	78
Full-time equivalent of other positions.....	2	2	2
Average number of all employees.....	73	75	77
Number of employees at end of year.....	78	80	82

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Salaries and expenses (total obligations).....	822	915	955
Financing: Unobligated balance lapsing.....	53	-----	-----
New obligations authority.....	875	915	955
New obligations authority:			
Appropriation.....	875	886	955
Proposed supplemental due to pay increases.....	-----	29	-----

The first of the two items for the Court of Claims, is that for "Salaries and expenses."

JUSTIFICATION OF THE ESTIMATE

We shall insert pages 67 through 78 of the justifications at this point in the record.

(The pages referred to follow:)

Summary statement relating appropriation estimate to current appropriation

1961 appropriation in annual act	\$895,500
1961 proposed supplemental due to pay increases	28,800
Base for 1962	
Net difference, 1962 over 1961:	924,100

	Requirements		Difference increase (+) or de- crease (-)	
	1961 adjusted	1962 estimate		
1. Salaries and expenses	\$914,600	\$955,000	+\$40,400	
2. Repairs to buildings	9,500	9,500		
Total	924,100	964,500	+40,400	+40,400
Total estimate for 1962				964,500

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act	\$886,000
1961 proposed supplemental due to pay increases	28,800
Base for 1962	
Net difference, 1962 over 1961:	914,600

	Requirements		Difference increase (+) or de- crease (-)	
	1961 adjusted	1962 estimate		
Salaries and expenses	\$914,600	\$955,000	+\$40,400	+40,400
Total estimate for 1962				955,000

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation	\$766,800	\$795,100	+\$28,300
12 Personnel benefits	48,600	50,600	+2,000
21 Travel and transportation of persons	18,000	21,000	+3,000
23 Rent, communications, and utilities	7,800	8,500	+700
24 Printing and reproduction	60,700	65,700	+5,000
25 Other services	1,500	1,500	
26 Supplies and materials	5,400	6,000	+600
31 Equipment	5,800	6,600	+800
Total obligations	1,914,600	955,000	+40,400

¹ Includes \$28,600 proposed supplemental due to pay increases.

Summary of increased requirements for 1962

Item	Nature of expense (or savings)	Amount
1	Deduction for extra compensable day in 1961, not required in 1962	-\$2,600
2	Deduction for nonrecurring expense of a special trip by a commissioner to hear witnesses residing abroad, principally in Europe	-2,000
3	Provision for within-grade salary advancements	6,800
4	Additional commissioner and secretary	26,100
5	Expenses relating to new personnel, including the nonrecurring cost of providing equipment and furniture	1,100
6	To cover contractual rate increases and increases in the volume of travel, printing, and supplies required by the court	11,000
	Total (net) increase	40,400

JUSTIFICATION

Language changes

None.

Objectives

This appropriation is for the salaries of the Chief Judge, four associate judges, and other officers and employees of the Court of Claims as well as for travel, communications, printing, and other incidental expenses. For data as to the functions of the court, its jurisdiction and basic statutory authorities, reference is made to section "H" of the Digest of Appropriations, The Judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

Detailed justification

An appropriation of \$955,000 is requested for 1962, a net increase in requirements of \$40,400 over the appropriation for 1961, adjusted to include "pay costs" under the Federal Employees Salary Increase Act of 1960 (Public Law 86-568). The net increase in requirements for 1962 is explained below:

Deduction for extra compensable day

The sum of \$2,600 representing the cost of an extra compensable day in fiscal year 1961 has been deducted in establishing the requirements for fiscal year 1962. Officers and employees of the court with the exception of the judges who are paid on a monthly basis, will be compensated for 261 days in fiscal year 1961, whereas in fiscal year 1962 there are only 260 compensable days. The savings represents a reduction in personnel compensation of \$2,450 and a corresponding reduction in personnel benefits (agency contributions for retirement and insurance) of \$150.

Deduction for nonrecurring expense of travel incurred in 1961

The 1961 budget estimate included a request of \$2,000 to cover the nonrecurring cost of a special trip by a commissioner to take testimony of witnesses residing abroad, principally in Europe, in connection with seven pending cases. The sum of \$2,000 which the Congress allowed has been deducted in establishing the requirements of the court for fiscal year 1962.

Provision for within-grade salary advancements

It is estimated that \$6,800 will be required in fiscal year 1962 to grant officers and employees of the court (except judges, commissioners, the clerk of the court and several employees serving in ungraded positions) within-grade salary advancements corresponding with those provided by title VII of the Classification Act of 1949, as amended. The estimate includes \$6,400 representing increases in compensation and \$400 for related agency contributions to the retirement fund and for group life insurance. The amount requested is net of savings anticipated due to turnover in personnel.

Additional commissioner and secretary

The Congress has authorized this court to employ 15 commissioners (28 U.S.C. 792), and has appropriated funds to employ 14 commissioners. In view of the increase in the number of cases to be tried, the court is requesting funds in the amount of \$26,100 for the employment of one additional commissioner and secretary as follows:

Commissioner (ungraded)-----	\$19,000
Secretary, GS-7, at \$5,355 per annum-----	5,350
Total, personnel compensation (2 positions)-----	24,350
Related agency contributions for retirement, group life insurance, and health benefits-----	1,750
Total personal services and benefits-----	26,100

At the close of the court year, October 1, 1960, there were 2,407 cases to be tried by the commissioners of this court, plus a number of representative class type cases. Included in the group of cases to be tried by the commissioners, there were 465 tax cases and 309 suits for just compensation for the taking of property. The judgments rendered in these actions bear interest. Therefore, the

employment of an additional commissioner will not only result in an earlier disposition of the large number of cases to be tried, but a more expeditious handling of such cases will save the Government a considerable amount of money in the interest-bearing judgments.

Miscellaneous expenses relating to new personnel

The additional sum of \$1,100 is requested to provide the commissioner and secretary with furniture and equipment and to cover miscellaneous expenses as follows:

Communications (including postage and fees paid)	\$200
Supplies and materials	100
Furniture and equipment	800
Total	1,100

The sum of \$800 included for furniture and equipment is required for the purchase of two desks and an electric typewriter. The expense is, of course, nonrecurring.

Contractual rate increases and increases in the volume of travel, printing, and supplies required by the court

It is requested that an additional sum of \$11,000 be provided for the miscellaneous expenses of the court as follows:

Travel	\$5,000
Communications and utilities	500
Printing and reproduction	5,000
Supplies and materials	500
Total	11,000

Increased volume of travel

The court is requesting an additional \$5,000 over the amount appropriated for 1961 for the travel and transportation of the commissioners, or a total of \$21,000 for such travel.

The need for additional funds for such travel is due to the substantial increase in the number of cases to be tried, and particularly to the unusually large number of cases to be tried in States west of the Mississippi River and on the west coast. This is a reversal of the situation in previous years when the majority of trials held outside Washington, D.C., were conducted in States east of the Mississippi River.

Increased cost of communications

In fiscal year 1960, the sum of approximately \$8,500 was expended for communications (including postage and fees paid) and utilities, or, \$700 in excess of the amount allocated for this purpose. The amount available in the base appropriation estimate for 1962, namely \$7,800, is inadequate. It is requested that an additional sum of \$500 be provided for fiscal year 1962 to cover the increased cost of communications and utilities.

Increased cost of printing and reproduction

It is estimated that an additional amount of \$5,000 will be needed in 1962 for printing and reproduction. The increase requested is due to the increased cost of materials and labor and also the increased amount of printing material required by the court for opinions and commissioners' reports. It is anticipated that four volumes of Court of Claims Reports will be published during the year 1962. For the last several years the court has expended its full allotment for printing and reproduction.

Increased cost of supplies and materials

An additional sum of \$500 is requested to cover contractual rate increases and an increased volume of supplies and materials being consumed by the court. During fiscal year 1960 the sum of approximately \$6,000 was expended for supplies and materials, or \$600 in excess of the amount allocated for this purpose. The amount available in the base appropriation estimate for 1962, namely \$5,400, is inadequate.

INCREASE REQUESTED FOR 1962

Mr. ROONEY. The request is in the amount of \$955,000, which is an increase of \$69,000 over the amount appropriated to date in the current fiscal year. Page 70 of these justifications lists the actual increases requested.

ADDITIONAL COMMISSIONER AND SECRETARY

It is to be noted that the largest increase is that for the additional commissioner and secretary, to wit, \$26,100.

Judge Jones, we shall be pleased to hear from you with regard to your requested increases.

Judge JONES. Mr. Chairman, we have inserted this item as a matter of protection in the event a bill, which is pending and which provides for the reorganization of the court, is not enacted into law. We have been struggling to keep abreast of the work but we are gradually beginning to lose ground. We would like to have provision for the additional commissioner so that if the reorganization bill is not passed, we can have this safeguard. We have a pretty heavy docket and I believe we have a court that turns out as much work as any court in the country and does it as expeditiously as possible. Judgments rendered in a number of the cases bear interest; these include the tax refund cases, the so-called taking cases where property is requisitioned, the patent infringement cases, and some Indian cases. They all bear interest. Of these various cases the accumulating interest is more than \$400,000 a year. So it is pretty important, if we can, to keep abreast.

We intend if possible to get a bill for reorganization to have judges instead of commissioners. For that reason, until it becomes apparent, we do not expect to appoint one of these commissioners.

Mr. ROONEY. Until it becomes apparent that you are not going to get the other legislation?

Judge JONES. Yes; get the other legislation. Senator Eastland introduced the bill and indicated he is favorable to its passage. We have hopes of getting it through. We are going to wait and struggle along as best we can with what we have until that question is determined. If it becomes apparent that the bill will not be passed, then we will really need the two commissioners.

ATTORNEYS ASSIGNED TO COURT OF CLAIMS CASES

In this connection, I might add that one of our bottlenecks on appointment of commissioners has been the inability of the Department of Justice to assign enough attorneys to take care of the interests of the Government. A considerable portion of the time of our commissioners has had to be taken up trying to get these fellows to the bat. Some of them are overloaded down there. I think some additional provision should be made for the Department of Justice. At least they should be told that additional lawyers should be assigned to the Court of Claims Section. There are less than there were at one time, and yet the business of the court has increased from year to year.

I seem to be doubling on that proposition, but that has been one of the bottlenecks in getting the commissioners.

Mr. ROONEY. While we are on that subject, I should like to point out that in the report on the current year's appropriation bill, House Report No. 1467, under date of April 8, 1960, this committee stated as follows:

The increase (under general legal activities of the Department of Justice) will specifically provide for four additional attorneys for the Civil Division to be assigned to the Court of Claims Section—

as well as certain other positions in connection with the Tax Division.

Did they assign four additional attorneys to the Court of Claims Section?

Judge JONES. They assigned additional ones, but the number is still less than it was at one time. We need about 14 more assigned to this section if the work is to be expedited. They had as many as 42 at one time. They have the Court of Claims Section of the Civil Division, and then they have the Land Division and the Tax Division. You can understand when you look at the number of cases here which are pending that they really are overloaded. We have that handicap frequently in trying to set these cases and dispose of them. They will say, "We have another case set. Somebody must be out of town." I think it would be an economy—I do not know about this overall provision; they may have enough, but for some reason they have not been able to assign enough to really do this job.

Mr. ROONEY. I would assume they must have enough, because all they asked for last year were the four they were allowed by the Congress.

Judge JONES. That may be the bottleneck. I wish you would take that up with them. But regardless of that, I have just about exhausted my patience in having our commissioners handicapped in taking so much of their time trying to get these cases disposed of. I am going to go to pressing, and I have told the commissioners I want to press this thing, and maybe that will bring about a larger assignment if they have enough. I do not know anything about their overall picture, but I know they do not have enough assigned to the section. We have a working group of commissioners, and I know they have been expediting the work just as rapidly as it is possible.

CASELOAD

Mr. ROONEY. Do you have any caseload figures which would indicate the present workload compared to, say, 10 years ago?

Judge JONES. Yes. I would like to file a statement, as I have heretofore, which contains a list of the cases pending, cases terminated, and new cases filed. Of course, a great many of those are what we call class cases. I will file the statement, if you permit, with the committee; the statement shows the status of our docket.

Mr. ROONEY. We shall insert your statement at this point in the record.

(The statement referred to follows:)

STATEMENT

During the court year, from October 3, 1959, to October 1, 1960, the court disposed of 1,375 cases. Except for 64 of these cases, in which no given amounts were claimed, the total amount claimed was \$105,992,794.33. Of the cases disposed of, the court rendered judgments for plaintiffs in the sum of \$8,096,234.85,

a number of which were based on settlements between the parties. Also, the court rendered judgments for the United States on counterclaims in the amount of \$170,011.34. The clerk has reported to the Congress the business of the court for the above period, showing the names of the plaintiffs, the amounts involved, the nature of the cases, and the disposition thereof.

Of the total number of cases pending on October 1, 1960, 6,930, there were 4,523 class cases pending, in which test cases have been or will be tried. The balance of the class cases will be disposed of administratively if the test cases are decided in favor of the plaintiff and will be dismissed if decided in favor of defendant. In practically all of the other 2,407 cases, testimony is to be taken by the trial commissioners of this court.

The following is a table setting forth the number and type of cases commenced and terminated during the court year ended October 1, 1960:

	Pending, Oct. 3, 1959	Com- menced	Termi- nated	Pending, Oct. 1, 1960
Total cases.....	6,028	2,277	1,375	6,930
Regular cases to be tried.....	2,251	759	603	2,407
Overtime pay cases.....	2,963	289	743	2,539
Service class cases.....	784	1,229	29	1,984
Regular cases to be tried:				
Service pay.....	436	137	127	446
Congressional.....	48	30	12	66
Contract.....	353	135	84	404
Indian.....	11	0	0	11
Miscellaneous.....	307	201	89	419
Patent.....	60	19	9	70
Property requisitioned.....	277	50	18	309
Tax.....	539	156	230	465
Transportation of property (via railroad or truck).....	195	28	29	194
Japanese relocation program.....	16	0	1	15
Overtime pay cases:				
Alaska Railroad.....	221	178	220	179
Firefighters.....	2,527	18	513	2,032
Other overtime pay cases.....	245	93	10	328
Service class cases.....	784	1,229	29	1,984
Appeals from Indian Claims Commission.....	9	3	4	8

TAX AND PROPERTY REQUISITIONED CASES

As of the close of business October 1, 1960, there were 465 pending tax cases on the Court of Claims dockets, with a total amount claimed of \$196,641,305.86. Six percent interest on this amount is \$11,798,478.35 per annum.

As of the close of business on October 1, 1960, there were 309 pending property requisitioned cases on the Court of Claims dockets, the total amount claimed in these cases being \$39,932,702.50.¹ Four percent interest on this total sum amounts to \$1,599,308 per annum.

Petitions to the Supreme Court for writs of certiorari

Petitions for certiorari pending Oct. 3, 1959.....	18
Petitions for certiorari filed Oct. 5, 1959, to Oct. 1, 1960.....	28
Total.....	46
Record for court year Oct. 5, 1959, to Oct. 1, 1960:	
Petitions for certiorari denied.....	28
Petitions for certiorari granted and decision affirmed.....	0
Petitions for certiorari granted, decision reversed and case remanded.....	3
Dismissed by stipulation of parties.....	1
Petitions for certiorari granted but not acted upon.....	2
Petitions for certiorari filed but not acted upon.....	12
Total.....	46
Records delivered to attorneys of record but not filed.....	3

¹ Of which \$23,933,659.66 is the total amount claimed in 263 cases pertaining to requisition of lands; of which \$15,999,042.92 is the total amount claimed in 46 cases pertaining to personal property requisitioned.

Mr. ROONEY. Do you have any figures which would indicate a comparison between the present time and 10 years ago?

CASELOAD SUMMARY, 1951-60

Commissioner COWEN. If I may interrupt on this, I have the caseload per Commissioner in 1948, and today.

Mr. ROONEY. For the Commissioners?

Commissioner COWEN. Yes, sir; the caseloads we have for them.

Mr. ROONEY. I am talking of the overall figures for the court, including work of the Commissioners.

Commissioner COWEN. We have that also going back to 1920.

Judge JONES. We have a chart which is more condensed than that. The chart gives it for 10 years.

Mr. ROONEY. We shall insert this table at this point in the record. (The table referred to follows:)

Table showing number of cases pending each year, number of new cases filed each year, and number of cases disposed of

Court year	Number of cases pending close of court year	Number of new cases filed (congressional cases not included)	Number of congressional cases filed	Number of appeals filed	Number of cases disposed of
1951	6,196	2,599	2	7	1,414
1952	6,914	2,285	17	10	1,602
1953	7,711	4,990	5	10	4,198
1954	5,508	1,237	17	5	3,457
1955	4,507	1,371	15	4	2,389
1956	6,717	3,204	15	1	1,011
1957	6,741	2,422	5	3	2,403
1958	6,849	1,524	19	4	1,439
1959	6,028	1,805	10	9	2,636
1960	6,939	2,277	30	3	1,375

Mr. ROONEY. Is there a ready explanation as to the figures with regard to number of cases disposed of in a comparison between court year 1953, when you had 4,198 cases disposed of, and 1960 court year, when you had 1,375 cases disposed of?

Judge JONES. We can get that, Mr. Chairman. I do not have those figures for that particular year. I can get it and send it up and have it inserted in the record.

(The information supplied follows:)

The large number of cases disposed of by the Court of Claims in 1953 was primarily due to numerous cases in which judgments were stipulated without the necessity of trial on the basis of test cases previously decided by the court. The stipulations covered several large groups of class cases, including deputy collectors of customs, immigration inspectors, enlisted Navy personnel, and veterans suing under the Veterans' Preference Act. In addition, nearly 400 cases involving the taking of land in connection with the Denison Dam project were disposed of by stipulations or dismissals, and a group of cases covering the Philippine Scouts were also dismissed without trial. By contrast there was not such a large group of cases disposed of by stipulation or dismissal in 1960 and therefore a large proportion of the number had to be individually tried.

Mr. ROONEY. Before we get to the next part of the Court of Claims request, to wit, "Repairs and improvements," I should like to inquire if there are any questions with regard to the \$955,000 request under "Salaries and expenses."

Mr. SIKES. I have some general questions. Do you want us to ask questions specifically directed toward salaries and expenses at this time?

Mr. ROONEY. Yes.

REASONS FOR BACKLOG OF CASES

Mr. SIKES. I will need to ask some questions about the backlog of cases to tie into that.

Judge, it appears that your backlog of cases is going up. You have given as one reason the lack of lawyers to handle these cases in the Department of Justice. Is that the only reason?

Judge JONES. No, sir; that is not the only reason. Connected with that, of course, is the fact that our trial commissioners are pretty badly loaded as it is. We are handicapped for space. The General Services Administration has given us space on two floors of one of the adjoining buildings; this has helped us as far as space is concerned. This is temporary. Then we are just compelled, if we are going to say grace over this thing, to have additional trial commissioners or judges. In the new bill we provide for additional judges. They will be appointed by the President and confirmed by the Senate if that bill goes through.

I have tried every way in the world to hold down the expense.

Mr. SIKES. This backlog is something that apparently has been with you for a long time.

Judge JONES. Yes, sir.

Mr. SIKES. Is it your proposal that you be allowed an additional judge or judges in order to cope with the situation?

APPOINTMENT OF TWO COMMISSIONERS DEPENDENT ON BILL FOR NEW JUDGES

Judge JONES. No. We do not know yet whether we will get the bill for the additional judges through. I simply wanted to have this provision for the appointment of the two additional commissioners in the event it becomes apparent that that bill will not be passed.

Mr. SIKES. You have authority now for one appointment which has not been made and this budget proposes a second appointment.

Judge JONES. I do not intend to appoint either of them until we determine what happens to the bill. I want to be able to go ahead with our work in the event it becomes apparent—

Mr. SIKES. I do not want you to appoint anyone you do not need. You have had this authority for an additional commissioner for some time.

Judge JONES. We have two commissioners in the basement. We have a shortage of hearing rooms, and have two and three people in some of the rooms. I have felt that with this bottleneck in two or three places, it was not wise to go ahead. If the new bill passes, then we will probably not appoint any more trial commissioners. It will be trial judges that will be appointed. They will have additional authority. As a matter of fact, our commissioners only make recommendations. The court itself has to make the ultimate findings and pass directly on all the cases. If they were made trial judges—and

I do not want to encumber the record with the discussion of the bill too much—but if that goes through, then they will have a good deal more authority in finally disposing of cases, thus making the main court an appellate body.

INCREASE IN COURT PERSONNEL

Mr. SIKES. You have for a number of years shown an increase, not a major increase but a slight increase, in the number of people in your court. In 1960, 78 people; 1961, 80 people; for 1962, 82 people. Is that a trend that we must anticipate will continue?

Judge JONES. I am inclined to think that it probably will. We had hoped for a while that the activities of the Government might be decreased. I suppose you gentlemen had. But I call attention to the fact that the total appropriation of Government for 1912 was \$1,022 million. In 1940, it was \$11 billion. In 1960 (the fiscal year) it was \$81 billion. It has been going up continuously. Considering the world situation and the vast activities of the Government, I do not see much hope in the foreseeable future for a great reduction in activity. Of course, our court handles suits against the Government exclusively. We do not anticipate a reduction. That is the reason we asked for a reorganization which I think will make our court more efficient.

NEED FOR NEW COMMISSIONERS

Mr. SIKES. We appropriated funds for 14 commissioners in 1959 and 14 commissioners in 1960. Now you ask for funds for 15.

Judge JONES. Yes, sir.

Mr. SIKES. It seems to me that if you are not going to appoint them, there is no point in this committee continuing to appropriate the funds. How serious is the need for them?

Judge JONES. We need them and will need more than that, really, if we do not get our bill and we can get the General Services to give us some more space down there. They are crowded for space, too. We need about five hearing rooms and have just two, and then we use the courtroom when the court is not in session. We use some of the offices for hearings.

NEW BUILDING FOR THE COURT

Mr. SIKES. What is your situation with relation to a new building?

Judge JONES. We have the authorization and the appropriation. The rough plans have already been drawn. The plans have to be approved by the Fine Arts Commission, by the National Capital Planning Commission and by the two courts. They have drawn rough plans. The Fine Arts Commission has suggested some changes, which we think are all right if they want to make them. If they are approved—and they indicate they hope to approve in a short period—they will go ahead with final plans.

Mr. SIKES. It is something several years in advance?

Judge JONES. They hope to let the contract the latter part of this year, and it will still be about 2 years, I think. In the meantime, if we get this bill through, I am going to try to get the General Services to make available some additional space.

Mr. SIKES. How many buildings are you in now?

Judge JONES. We are in two buildings. We have our own building, and then we have about two floors of one of the buildings facing Jackson Place.

Mr. SIKES. In the new building how many judges' quarters do you plan to have?

Judge JONES. We have plans for 7 judges and for 20 commissioners or trial judges. Those rough plans are for that number looking toward the future.

Mr. SIKES. Does this building provide for all anticipated phases of future growth of the court's staff within a reasonable time?

Judge JONES. Yes. We have asked them to do that. The rough plans do make provision for future increases. I am hoping very strongly that we can get this new reorganization bill through, which I think will expedite matters.

REDUCTION OF BACKLOG

Mr. SIKES. Do you feel that either the addition of judges or commissioners would materially reduce this backlog?

Judge JONES. Yes.

Mr. SIKES. Either?

Judge JONES. Yes, assuming, of course, that the Department of Justice will assign enough attorneys. That has been a handicap, too.

Mr. SIKES. That is all, Mr. Chairman.

REPAIRS AND IMPROVEMENTS

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Structural and mechanical maintenance (total obligations) (object class 25).....	8	10	10
Financing: Unobligated balance lapsing.....	2		
New obligational authority (appropriation).....	10	10	10

This appropriation provides for structural repairs and improvements to the Court of Claims buildings, including the repair and maintenance of the mechanical equipment. The work is performed under the supervision of the Architect of the Capitol.

Mr. ROONEY. The second of the two items for the Court of Claims is that for "Repairs and improvements," and is to be found at page 152 of the committee print as well as at pages 79 through 81 of the justifications, which we shall insert at this point in the record.

(The pages referred to follow :)

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....	\$9,500
Base for 1962.....	
Net difference, 1962 over 1961.....	9,500

	Requirements		Difference increase (+) or de- crease (-)
	1961 appro- priated	1962 estimate	
Repairs to buildings.....	\$9,500	\$9,500	
Total estimate for 1962.....			9,500

JUSTIFICATION

Language changes

None.

Objectives

This appropriation is to provide for structural repairs and improvements to the Court of Claims buildings, including the repairs and maintenance of the mechanical equipment. The appropriation is for expenditure by the Architect of the Capitol. The estimate is submitted at the direction of the chief judge of the court.

Detailed justification

The amount requested for general annual repairs, namely \$5,000, is the same as allowed for 1961 and provides for the annual repair and upkeep of the heating and plumbing systems, roof, the two elevators, and for electrical, carpentry, millwork, plastering, ironwork, air-conditioning and refrigeration systems, and miscellaneous annual repairs.

The breakdown of this item follows :

Breakdown of estimate

Repairs and maintenance of heating system.....	\$600
Repairs to roof.....	800
Electrical repairs and replacements.....	500
Plumbing repairs.....	400
Maintenance and repair of elevators.....	300
Carpentry and millwork, plastering, and hardware.....	900
Maintenance, air-conditioning systems.....	1,000
Miscellaneous.....	500
Total, general annual repairs.....	5,000

The amount requested for annual painting, namely \$4,500 is the same as allowed for 1961 and provides for necessary painting throughout the building. The building is nearly 100 years old and there are numerous air cracks in the walls and ceilings, necessitating painting more often than would be normally required.

The total, therefore, requested for the Court of Claims, fiscal year 1962, under "Repairs and improvements," is \$9,500.

REQUEST FOR 1962

Mr. ROONEY. This request is in the amount of \$9,500, the same amount as appropriated for the current fiscal year. Is it necessary that you say anything about this, Judge?

Judge JONES. I do not think so, unless the committee wants it.

Mr. ROONEY. These are the usual repairs to this old building down there at 17th and Pennsylvania Avenue?

Judge JONES. Yes.

Mr. ROONEY. Judge Jones, we thank you very much.

PAINTING

Judge JONES. There is one item I wanted to call attention to. We have an item of \$5,000 for painting. It is an old building. I hope we can avoid that expense, because if the prospect continues for the new building, I am not going to paint in the old building, except to the extent absolutely necessary.

Mr. ROONEY. In other words, it is possible that you may save a good part of the \$5,000.

Judge JONES. Yes, maybe all of it.

Mr. ROONEY. I am confident, and I am sure the other members of the committee are, that if it can be saved, it will be saved.

Judge JONES. Thank you very much.

Mr. ROONEY. The committee will reconvene at 2 o'clock.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

THURSDAY, FEBRUARY 23, 1961.

WITNESSES

HON. WILLIAM J. CAMPBELL, CHIEF JUDGE, U.S. DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

HON. MATTHEW F. McGUIRE, JUDGE, U.S. DISTRICT COURT, DISTRICT OF COLUMBIA

HON. SYLVESTER J. RYAN, CHIEF JUDGE, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

HON. CARL A. WEINMAN, JUDGE, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF OHIO

WARREN OLNEY III, DIRECTOR, ADMINISTRATIVE OFFICE, U.S. COURTS

JOHN C. AIRHART, ASSISTANT DIRECTOR, ADMINISTRATIVE OFFICE, U.S. COURTS

EDWIN L. COVEY, CHIEF OF THE DIVISION OF BANKRUPTCY, ADMINISTRATIVE OFFICE, U.S. COURTS

LOUIS J. SHARP, CHIEF OF THE DIVISION OF PROBATION, ADMINISTRATIVE OFFICE, U.S. COURTS

DARWIN H. ANDERSON, ASSISTANT CHIEF OF BUSINESS ADMINISTRATION, ADMINISTRATIVE OFFICE, U.S. COURTS

EDWARD V. GARABEDIAN, BUDGET OFFICER, ADMINISTRATIVE OFFICE, U.S. COURTS

Mr. ROONEY. The committee will please come to order.

The next item is to be found at page 153 of the committee print and is entitled "Courts of Appeals, District Courts, and Other Judicial Services."

COMPARISON OF APPROPRIATIONS FOR 1961 WITH ESTIMATES 1962

The details with regard thereto begin at page 82 of the justifications, which page we shall insert at this point in the record.

Summary statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....	\$40,862,940
1961 proposed supplemental due to pay increases.....	1,772,860
Base for 1962.....	42,635,800
Net difference—1962 over 1961:	

	Requirements		Difference, increase (+) or de- crease (—)
	1961 adjusted	1962 estimate	
1. Salaries of judges.....	\$9,200,000	\$9,200,000	
2. Salaries of supporting personnel.....	23,783,000	24,862,000	+\$1,079,000
3. Fees of jurors and commissioners.....	4,500,000	4,500,000	
4. Travel and miscellaneous expenses.....	3,785,000	4,818,000	+1,033,000
5. Salaries and expenses, Administrative Office, U.S. Courts.....	1,367,800	1,526,000	+158,200
Total.....	42,635,800	44,906,000	+2,270,200
Total estimate for 1962.....			44,906,000

Mr. ROONEY. The request for the five appropriations under "Courts of appeals, district courts and other judicial services" totals \$44,906,000 made up of \$9.2 million for "Salaries of judges"; \$24,862,000 for "Salaries of supporting personnel"; \$4.5 million for "Fees of jurors and commissioners"; \$4,818,000 for "Travel and miscellaneous expenses"; and \$1,526,000 for "Salaries and expenses," Administrative Office, U.S. Courts.

This total of \$44,906,000 is an increase of \$4,043,060 over the amount appropriated to date for these purposes in the current fiscal year.

We have with us this afternoon several distinguished members of the judiciary: Chief Judge William J. Campbell of the District Court of the Northern District of Illinois; Judge Matthew F. McGuire of the U.S. District Court for the District of Columbia; Chief Judge Sylvester J. Ryan, U.S. District Court, Southern District of New York, and Judge Carl A. Weinman, U.S. District Court, Southern District of Ohio.

Do you have a statement, Judge Campbell, with regard to this budget for the courts of appeals, district courts, and other judicial services?

Judge CAMPBELL. Yes, Mr. Chairman.

Mr. ROONEY. Proceed, if you will.

GENERAL STATEMENT OF THE CHIEF JUDGE

Judge CAMPBELL. Thank you very much, Mr. Chairman and members of the committee.

Last year when I appeared before you as chairman of the newly reconstituted Committee on the Budget for the Judicial Conference of the United States, I stated we pretty largely had to accept the budget as it had been prepared by the Administrative Office of the U.S. Courts.

I promised this committee that the other judges on my committee and myself would take part in the preparation of subsequent budgets insofar as they affected the various courts of appeals and district courts throughout the country.

I am happy to be able to report to you today—and my report shall be very brief—that we have done that. We have met several times

throughout the year and each of us individually has taken segments of this budget as it concerns the courts, have gone through it ourselves, have eliminated many items that were requested and have presented the budget to the Judicial Conference of the United States where it was approved without change.

I should also like to report to you that since we were last here the Chief Justice of the United States has designated Judge McGuire of our committee as vice chairman of the committee. Judge McGuire, as you know, is here in Washington and has rendered very valuable service to us because of his being located here and has been able to take a very active part during the year in many of the committee matters.

With me today before you, as the chairman has pointed out, are two other members of our committee; Chief Judge Sylvester J. Ryan of New York and Judge Carl A. Weinman of Ohio, both of whom also have taken part in the preparation of the budget.

The staff of the Administrative Office helped by the Director has, of course, done a great deal of the detail work.

I do report to you, however, that insofar as it concerns the courts, our committee of judges has given the matter its very careful consideration. We recommend to you the budget as it is here submitted.

We feel that we have done this job to the best of our ability and in support of this, in general, I would like to state just a word or two of the present condition of the work of the courts.

FILINGS IN THE COURTS OF APPEAL

The courts of appeals have had a record number of filings within the last year—3,899 new appeals have been filed in fiscal year 1960. This is a record; 3,713 cases were terminated by the courts of appeals in the same fiscal year and thus the pending caseload has increased almost 10 percent to a present high of 2,220 cases pending in the courts of appeal.

The filings in 1960 were about 4 percent higher than in 1959 and represent the largest single year since 1957.

I am happy to report that in spite of this increase in caseload, the courts of appeals as a whole continue to remain on a reasonably current basis. This is due in a very large measure to the senior judges taking assignments in the courts of appeals.

You will recall the comparatively recent legislation by Congress creating the status of senior judge. In this particular category it has worked very successfully. As for the district courts, during fiscal year 1960 the number of civil cases filed, 57,665, represent an increase of approximately 4 percent over the number filed in the previous year, which was 55,521.

Mr. ROONEY. May I interrupt you there?

Judge CAMPBELL. Certainly.

CASELOAD

Mr. ROONEY. Do you have a workload chart or a statement we may look at while you are reciting these figures?

Judge CAMPBELL. Yes, Mr. Chairman.

This is in the back of the justification book and is carried on exhibits A, B, C, D, E, and F, and constitutes the matters to which I am now referring.

The filings in 1960 in the district courts exceeded terminations by more than 200 cases, so that the pending caseload in the district courts of the United States rose from 60,800 to 61,016. Although this is not a sharp increase, it shows that the courts and supporting staffs are not able to keep pace with the volume of civil business.

Criminal cases continued at the level of the past 5 years. That is, in the figure range of 28,000 to 29,000 cases.

As I know this committee is very well aware, bankruptcies are rising presently so sharply as to be a major worry and current trends strongly support a projection of more than 140,000 cases to be filed in 1961 as compared with 110,000 cases filed in 1960.

The district courts are also having to handle a steadily increasing number of passport applications and petitions for naturalization.

May I now just briefly touch on one or two of the highlights in the request that is before you.

JUDGES' SALARIES AND FEES FOR JURORS

We are not requesting, after careful review of the budget, any increases under the heading of "Salaries for judges and fees for jurors and commissioners."

Under the direction of the Judicial Conference, economies have been placed in operation in the jury system and it is our hope that they will continue through 1961. Accordingly, we are not making any requests for an increase there although there has been an increase in dispositions.

INCREASE IN DEPUTY CLERKS AND PROBATION OFFICERS

With reference to the pending caseload, we are requesting some increase in deputy clerks and probation officers. We need funds to augment the staffs of the clerks' offices in many courts, probation offices, and particularly the offices of the referees in bankruptcy.

PRESENTENCE REPORTS

During the last year it has been called to the attention of our courts in some of the decisions of the various courts of appeal that the practice of having a presentence report by the probation officer in each case before sentence should be followed by the district courts. In fact, one sentence was set aside because that practice was not followed.

As I believe this committee knows, the number of probation officers at present, particularly in the large districts, makes it impossible for us to have a presentence report in all cases that have had a plea of guilty. In cases going to trial, the sentencing judge usually relies upon the report of the investigating officers and also the testimony he has heard during the trial in the imposition of sentences, if the defendant is found guilty.

The courts of appeal, and indeed it is good practice and I know all sentencing judges would like to have it, indicate we should have a presentence report in each case before the imposition of sentence. We have not been able to do that in the larger districts because we do not

have a sufficient number of probation officers to do that. They are busy with the supervision of cases already on probation and on cases on parole referred to them by the parole board.

INCREASE IN SECRETARIAL AND LEGAL ASSISTANCE

With reference to additional secretarial and legal assistance for district judges, the sum of \$75,000 has been included in the estimates for supporting personnel to permit the employment of the equivalent of 13 full-time employees on the judges' staffs.

I use the word "equivalent" because our committee has carefully, as a committee of judges, gone over the various requests and in most instances we have suggested the use of part-time law clerks instead of full time, and at a saving of money.

Accordingly, what we are asking for represents about 13 full-time employees. Although the statute does not require this, I personally, as chairman of the Budget Committee, have undertaken to consult the various chief judges of the circuits involved in each case where a district judge has requested an additional law clerk as well as to go into the matter myself. I am satisfied that the requests in this presentation are minimal and will greatly affect the efficiency of the courts involved toward increasing their work production.

OTHER INCREASES REQUESTED

There are three special matters that will probably come up during your consideration of the various items in the budget and one concerns my own court with reference to an appropriation for additional mechanical equipment in the clerk's office for the elimination of the need of additional personnel. I would be happy to talk on that when the committee reaches it, or whenever the committee desires me to do so.

If the committee desires to discuss the pretrial examiner for the District of Columbia, Judge McGuire will speak on that as we are asking a renewal of the appropriation of last year because the experiment has proved to be a satisfactory practice.

Judge Ryan will speak on one item of the budget, if the committee desires to hear it, the item concerning the use of pretrial examiners in the southern district of New York. This was considered by our committee and approved by the Judicial Conference with the direction that Judge Ryan make whatever presentation the committee might desire to hear on that subject.

BUDGET OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

Although it is technically beyond the purview of our committee, I would like, in closing, to say that we could not take the part we have taken in the preparation of this budget this year without also watching what the Administrative Office was putting into the budget for itself. In our work as the Budget Committee, and my work as chairman, we have come in very close touch with the Director, his staff, and their various operations.

We are satisfied, and this point had concerned us a great deal as judges, that what they are asking for here is not an attempt to expand the existing services of the Administrative Office.

We have, as a Committee of the Budget, in considering their request as well as our own, also emphasized the fact that a great need exists for changing the manner of gathering and publishing statistics by the Administrative Office, and that this practice, insofar as it entails work on the part of the judges, be limited and that these statistics published by the Administrative Office be made of greater value both to the public and to the courts.

It is our opinion that the request they are making insofar as it concerns this item is justified.

That finishes my general statement, gentlemen, and I will be delighted to answer any questions that I can and so will the other judges who are here with me as members of my committee.

I thank you for your patience, Mr. Chairman.

Mr. ROONEY. I may have some questions before calling upon Judge McGuire.

Judge CAMPBELL. Yes, sir.

CIVIL CASES COMMENCED

Mr. ROONEY. I want us to thoroughly understand these exhibits at the back of the justifications, particularly with regard to civil cases commenced.

What was the total number of civil cases commenced in 1957?

Judge CAMPBELL. It would seem from this chart to be slightly over 3,500.

What is the actual number? Wait a minute—I am looking at courts of appeal.

Mr. ROONEY. Let us start de novo.

We are referring to civil cases commenced, as shown in exhibit B.

Judge CAMPBELL. Yes, sir.

Mr. ROONEY. With regard to district courts, what was the total number of civil cases commenced in fiscal year 1958?

Judge CAMPBELL. In 1958, 67,115.

Mr. ROONEY. And the total commenced last year? That is the last year we have figures for.

Judge CAMPBELL. In 1960, Mr. Chairman, that is 59,284.

Mr. ROONEY. That is quite a reduction, is it not?

Judge CAMPBELL. Yes, sir; but an increase over 1959.

Mr. ROONEY. A very slight increase over 1959. What was the figure in 1959?

Judge CAMPBELL. 57,800, Mr. Chairman.

Mr. ROONEY. You had more employees in 1960 than you did in 1958, did you not?

Judge CAMPBELL. I think we did.

Mr. ROONEY. With regard to civil cases pending at the end of fiscal years in the district courts, what was the figure with regard to fiscal year 1958?

Judge CAMPBELL. 68,168.

Mr. ROONEY. In 1960?

Judge CAMPBELL. 61,251.

Mr. ROONEY. As to exhibit D, criminal cases—

Judge CAMPBELL. May I observe, Mr. Chairman, that the terminations have increased each year since 1958 decreasing the backlog.

Mr. ROONEY. We do not have terminations in exhibit C, do we?

Judge CAMPBELL. I do not believe they are here.

CRIMINAL CASES COMMENCED

Mr. ROONEY. With regard to criminal cases commenced in fiscal year 1958, how many criminal cases were commenced in that year?

Judge CAMPBELL. In 1958, 3,694, sir.

Mr. ROONEY. It must be 30,000?

Judge CAMPBELL. That is what it has here.

I am sorry. I have been given courts of appeals again.

May I get those figures and put them in the record for the same year, Mr. Chairman? Apparently they have not been brought over.

Mr. ROONEY. Let me put it this way: Is it not the fact that in the last fiscal year, the last full fiscal year, the number of criminal cases commenced was less than in 1958 or 1959 fiscal years?

Judge CAMPBELL. Yes, sir; it is a fact.

Mr. ROONEY. We realize the alarming increase in number of bankruptcies which has prompted the committee to furnish additional moneys and additional clerks to handle these increases in bankruptcies, but staying with the courts, it would appear that last year the number of criminal cases commenced and the number of civil cases commenced, which are the bulk of the business of the district courts, is lower than it was 2 years before.

Judge CAMPBELL. That is correct, sir.

Mr. ROONEY. And still we have an increase in the court budget of \$4,043,060 over the amount appropriated to date in the current fiscal year.

Judge CAMPBELL. The only thing I would like to observe is that there has been an increase in terminations whittling into the then-existing backlog which we may catch up within another 5 years, but we have terminated more cases.

Mr. ROONEY. I do not see any exhibit here on that.

Judge CAMPBELL. No, and there should be.

I would like leave, if I may, to send it over because I have the figures showing an increase in terminations in civil cases.

I regret I do not have the criminal figure but I will get it and file it if you would like to have that.

We now have the figures and they bear out what the chairman has said, and if you would like the actual figures of criminal cases commenced, we have them.

Mr. ROONEY. Very good.

Judge CAMPBELL. The total in 1958 was 28,897 criminal cases; 1959, 28,729, a decrease.

In 1960, the figure is 28,137, a further decrease.

Mr. ROONEY. During that period of time the immigration cases were fairly constant?

Judge CAMPBELL. Fairly constant, at about 2,300.

Judge McGUIRE. Habeas corpus—

Judge CAMPBELL. No, habeas corpus are civil cases not regarded in this statistic, Judge McGuire.

Now that we have them, Mr. Chairman, I thought you would want the figures in the record.

COMMISSIONERS IN CONDEMNATION CASES

Mr. ROONEY. I wonder if it would be proper if I inquired at this point, what is the situation with regard to commissioners in condemnation cases? Has that been before your Conference since we were here a year ago?

Judge CAMPBELL. A committee of the Conference, Mr. Chairman, is appointed and is considering the matter and is going very thoroughly into it together with the Lands Division of the Department of Justice.

I have been so busy on the work of the Budget Committee I am sorry I do not know what the present status of their report is.

There is to be a meeting of the Judicial Conference the middle of next month and I know that they will report at that time. The matter is certainly being taken up by the Judicial Conference which has appointed a committee for that purpose.

Mr. ROONEY. Has anything been done to curb the abuses that had taken place previously, prior to this time a year ago? Perhaps I ought to add the words "if any"?

Judge CAMPBELL. Thank you.

Mr. ROONEY. To the situation as of a year ago insofar as appointment of these condemnation commissioners is concerned?

Judge CAMPBELL. Yes, sir. The Chief Justice, as Chairman of the Judicial Conference, has directed the chairman of that committee, Judge Stanley Barnes, to take up this matter with all of the judges involved. I know he is also taking it up with the proper officers in the Department of Justice. Wherever the Department of Justice has felt there has been an abuse or an indication that there might be an abuse, the committee has taken it up with the individual judge and gone into it very carefully.

Mr. ROONEY. Have any new commissioners in condemnation cases been appointed since this time a year ago?

Judge CAMPBELL. I do not think, many.

Judge WEINMAN. I have appointed several, if you want a report.

Mr. ROONEY. I beg your pardon?

Judge WEINMAN. Do you wish a report on it?

Judge CAMPBELL. We do not have a report in the Administrator's Office. That information would be in the various clerks' offices. We would have to gather it but I can tell you that there have been none in my district.

If Judge Weinman has some in his, I do not know, but I could find out how many were appointed.

Mr. ROONEY. Will you have something to say on this later, Judge Weinman?

Judge WEINMAN. If you care for a report on that, I can give you some firsthand information because I felt I was required to use that particular statute during this past year. It came about because of the fact that in eastern Ohio there had been many, many cases involving erection of a dam on the Ohio River and many people were forced to settle their cases because they could not get them heard. I speak from experience on that because I specialized in the hearing of condemnation actions before I went on the Federal bench. I found that there were five such cases left in eastern Ohio and letters had been written to the Attorney General and even to the President of

the United States wanting hearings. At that time, the hearing could only be had in Columbus, 140 miles away, and they wanted an immediate hearing and I appointed a commission of three. They heard the five cases in January. They took 5 days. The cases are completed and both sides are happy and the cases are over.

To add to that, I just want to report I have been in Columbus holding court for the last 2 months and Judge Underwood there was inquiring about this procedure and said, "I have 224 tracts involved in cases pending in this court several years old. What do you recommend?"

Gentlemen, that is the problem in the field.

As far as costs are concerned, it is much cheaper for me to have the trial commissioners than if I had a jury. It saved half the time and while that group was working, I was holding court in Dayton or Columbus.

FEES OF COMMISSIONERS IN CONDEMNATION CASES

Mr. ROONEY. What is your recollection of the cost, Judge?

Judge WEINMAN. I recommended paying them for their days in court, which would include amounts otherwise spent, at \$60 per day. It cost \$300 for each commissioner and that is \$900; that is the amount for those five cases.

Mr. ROONEY. A year ago we were not talking about anything like that.

Judge WEINMAN. I want to show you that in some places we try to conform to the rules.

Mr. ROONEY. That was not the situation in California.

Judge CAMPBELL. No, that one the committee is going to go into. Judge Barnes' committee is going fully into that and as soon as the report is ready, I think a copy should come to each member of this committee and we will see that it does.

NUMBER OF DAYS PETIT JUROR PANELS WERE CALLED BUT NOT USED

Mr. ROONEY. At page 83 of the hearings last year we had a summary of the number of days petit juror panels were called and not used and the number of jurors therein during the fiscal year ending June 30, 1959 by district.

Do you have such a schedule with you showing the situation in the same regard during the fiscal year ending June 30, 1960?

Judge CAMPBELL. Yes, sir. May I now tender it to the committee?

Mr. ROONEY. We shall insert this schedule at this point in the record.

Judge CAMPBELL. Thank you, sir.

(The schedule referred to follows:)

Number of days petit juror panels were called and not-used and the number of jurors therein, during the fiscal year ending June 30, 1960, by district

	Panels called and not used		Cost (average of \$10 per juror)
	Number of days	Number of jurors	
Total 87 districts.....	826	27,198	\$271,980
District of Columbia.....	28	1,576	15,760
1st circuit.....	32	955	9,550
Maine.....	4	89	890
Massachusetts.....	19	604	6,040
New Hampshire.....	4	124	1,240
Rhode Island.....	1	21	210
Puerto Rico.....	4	117	1,170
2d circuit.....	142	5,330	53,300
Connecticut.....	10	260	2,600
New York:			
Northern.....	14	465	4,650
Eastern.....	60	2,112	21,120
Southern.....	43	1,959	19,590
Western.....	10	394	3,940
Vermont.....	5	140	1,400
3d circuit.....	38	1,528	15,280
Delaware.....			
New Jersey.....	5	148	1,480
Pennsylvania:			
Eastern.....	21	859	8,590
Middle.....	2	77	770
Western.....	10	444	4,440
4th circuit.....	98	2,633	26,330
Maryland.....	6	121	1,210
North Carolina:			
Eastern.....	29	738	7,380
Middle.....	2	67	670
Western.....	8	140	1,400
South Carolina:			
Eastern.....	26	792	7,920
Western.....	6	210	2,100
Virginia:			
Eastern.....	12	339	3,390
Western.....	7	164	1,640
West Virginia:			
Northern.....			
Southern.....	2	62	620
5th circuit.....	178	5,127	51,270
Alabama:			
Northern.....	5	125	1,250
Middle.....	3	68	680
Southern.....	5	137	1,370
Florida:			
Northern.....	7	187	1,870
Southern.....	42	1,059	10,590
Georgia:			
Northern.....	15	483	4,830
Middle.....	8	256	2,560
Southern.....	14	505	5,050
Louisiana:			
Eastern.....	17	443	4,430
Western.....	8	229	2,290
Mississippi:			
Northern.....	8	246	2,460
Southern.....	15	363	3,630
Texas:			
Northern.....	11	273	2,730
Eastern.....	1	31	310
Southern.....	14	526	5,260
Western.....	5	166	1,660

Number of days petit juror panels were called and not used and the number of jurors therein, during the fiscal year ending June 30, 1960, by district—Continued

	Panels called and not used		Cost (average of \$10 per juror)
	Number of days	Number of jurors	
6th circuit.....	93	2,509	\$25,090
Kentucky:			
Eastern.....	24	612	6,120
Western.....	7	213	2,130
Michigan:			
Eastern.....	13	250	2,500
Western.....	1	22	220
Ohio:			
Northern.....	17	487	4,870
Southern.....	6	172	1,720
Tennessee:			
Eastern.....	10	282	2,820
Middle.....	11	384	3,840
Western.....	4	87	870
7th circuit.....	95	3,291	32,910
Illinois:			
Northern.....	71	2,785	27,850
Eastern.....	11	232	2,320
Southern.....	8	157	1,570
Indiana:			
Northern.....			
Southern.....	3	74	740
Wisconsin:			
Eastern.....	2	43	430
Western.....			
8th circuit.....	43	1,199	11,990
Arkansas:			
Eastern.....	3	90	900
Western.....	3	80	800
Iowa:			
Northern.....			
Southern.....	1	34	340
Minnesota:			
Eastern.....	8	242	2,420
Missouri:			
Eastern.....	17	444	4,440
Western.....	3	94	940
Nebraska:			
Eastern.....	3	72	720
North Dakota:			
Eastern.....	2	101	1,010
South Dakota:			
Eastern.....	3	42	420
9th circuit.....	49	2,170	21,700
Arizona:			
Eastern.....	10	436	4,360
California:			
Northern.....	11	339	3,390
Southern.....	12	929	9,290
Idaho:			
Eastern.....	1	25	250
Montana:			
Eastern.....	3	107	1,070
Nevada:			
Eastern.....	4	134	1,340
Oregon:			
Eastern.....	3	84	840
Washington:			
Eastern.....	1	26	260
Western.....	3	69	690
Hawaii:			
Eastern.....	1	21	210
10th circuit.....	30	880	8,800
Colorado:			
Eastern.....	9	362	3,620
Kansas:			
Eastern.....	3	69	690
New Mexico:			
Eastern.....	5	114	1,140
Oklahoma:			
Northern.....			
Eastern.....	5	121	1,210
Western.....	5	130	1,300
Utah:			
Eastern.....	2	61	610
Wyoming:			
Eastern.....	1	23	230

Mr. ROONEY. As I cast a hasty glance at this summary, it would appear you are making some progress.

Judge CAMPBELL. I think we are. The Judicial Conference has spent a great deal of time on this subject.

Mr. ROONEY. To summarize this, it would appear that instead of 36,037 jurors called, as during fiscal year 1959, there were 27,198 called in fiscal 1960 and the cost of these 27,198 jurors was a total of \$271,980 in 1960 as compared with \$360,370 in fiscal year 1959.

Judge CAMPBELL. Yes, sir.

Judge RYAN. This description of jurors called and not used is improper. For instance, as you know from your own trial experience in New York, having been a former prosecutor there for many years, frequently in a complicated criminal case, we will bring in a panel of 250 jurors. Ultimately out of those 250 jurors there may be only 80 who are either called, challenged, and placed in the box and seated as jurors or alternates. To say that the other jurors had to wait in the courtroom and were not used is not proper. It is not a proper classification. They were there in attendance and to see that a jury could be picked.

Mr. ROONEY. Are you saying that this committee made a mistake in getting into this subject and putting the information in regard thereto up on the table which has now resulted in a savings in 1960 as compared to the 1959 figure of almost \$90,000?

Judge RYAN. That savings has been accomplished because of the work of this committee calling it to the attention of the chief judges of these courts. I have personally checked this myself and have accounted for some savings of about \$30,000 of that total you mentioned.

Judge CAMPBELL. That shows in the second circuit.

Mr. ROONEY. It might be well now if we heard from you, Judge McGuire.

PROBATION OFFICERS

Judge McGUIRE. Mr. Chairman and members of the committee, first of all I want to say at the outset with reference to a matter brought up here generally, the business of probation officers. I think you ought to know our court of appeals has sent for probation reports in the matter of individuals convicted in the district court and in which the district court judge who presided at the trial has denied bail. Of course, if that situation is resolved affirmatively, that is going to put a tremendous burden on our probation officers and I would assume that if it becomes epidemic that would place a very large burden on probation officers throughout the country. I might say further that the district court has not sat idly by with reference to this situation. We have appointed counsel to represent the court in the court of appeals.

I do not know what the ultimate result is going to be but they did send for probation reports, presentence reports, so-called. Now with reference to the matter with which I am particularly concerned, I am now about to make a report.

USE OF PRETRIAL COMMISSIONERS

You will remember 2 years ago you were kind enough to permit this pretrial arrangement to be established on an experimental basis and I want to report to you now that from our point of view—and when I say “our,” I mean speaking for the court and the bar—that it has been a success.

It might be interesting to know that our District of Columbia court for fiscal year 1960 had the largest increase of cases filed of any district in the United States.

For the record, I call your attention to the annual report of the Director of the Administrative Office, dated September 1960, part II, page 34, and I quote:

In 1960 there was a large increase in the number of civil cases filed in the District of Columbia, and the number of cases terminated also increased but not enough to match the rise in cases commenced with the result that the pending caseload rose * * *.

The report also indicates we had 2,500 insanity cases referred to an arm of the court called the Mental Health Commission and apart from that there was a caseload of about 300 cases per judge.

By means of what we would conclude to be an efficient master calendar system of cases ready for trial and continuous trial terms, except during the month of August, although we have motions and criminal cases during that time, the court has been able to handle the load.

With reference to what I said in relation to what the court thinks of it, one of our judges, Judge Tamm, wrote a memorandum of recent date to the chief judge in which he said:

I desire to commend the outstanding work being performed in the pretrial commissioner's office, having just completed a 3-month assignment as pretrial judge. I have had occasion to observe closely the work of the pretrial commissioner's office, pretrial statements are detailed and precise without omission and contain complete legal and factual statements in stating the position of the parties, issues, stipulations, and other material data essential to a prompt and orderly disposition of the case at the trial level.

Therefore, in order not to let you conclude that I am talking in a vacuum, I have here in my hand what is called a pretrial statement of proceedings in a case presently pending. This case was tried on the 21st of February 1961 and I will omit the names of the parties, but at the top you will notice the caption, “The Parties Agree to the Following Statements of Fact.”

Then you have what the plaintiff claims. Then you have what the defendant claims and then the stipulations and the names of plaintiff's witnesses and the defendant's witnesses and then blueprints, exhibits, and they are all marked and the statement signed then by both counsel. That is the way it is done.

You might also be interested to know what the reports show for the year in the disposition of cases assigned for pretrial hearing: December 1, 1959, through January 31, 1961, and without burdening you with detailed reference to the individual items, let me simply say this: The number of cases finally processed by the pretrial examiner was 1,450. Those are cases actually heard—some were continued for settlement, some were consent judgments, and others were otherwise disposed of and some settled. I will give you that figure again, if

you want it. There were 29 certified in municipal court and 2 dismissed for want of prosecution.

Mr. Bow. What was the number actually disposed of?

Judge McGUIRE. You mean actually processed by the pretrial examiner?

Mr. Bow. Yes.

Judge McGUIRE. 1,450.

Mr. Bow. Are they all disposed of now?

Judge McGUIRE. No; because after pretrial, Mr. Congressman, I could not tell you that. After pretrial, they presumably go to trial or are settled but I will say this: Our experience is the same presumably as the other large metropolitan districts with reference to so-called negligence cases.

Some 85 to 90 percent of them are settled and you finally are forced to try the so-called hard-core 10 or 15 percent left. I have a detailed breakdown here and I will be very glad to pass it up to you if you want to look at it at your convenience.

(The material referred to follows:)

OFFICE OF THE PRETRIAL EXAMINER

Disposition of cases assigned for pretrial hearing, Dec. 1, 1959, through Jan. 31, 1961

	1960												1961	Cumulative total Dec. 1, 1959, to Feb. 1, 1961
	Dec.	Jan.	Feb.	Mar.	Apr.	May ¹	June	July ²	Sept.	Oct. ³	Nov.	Dec.			Total
Number of cases on daily assignments ¹	140	184	186	313	174	86	188	174	196	103	232	191	2,027	230
Number of hearings held.....	117	133	131	199	116	49	135	116	149	74	162	117	1,381	186
Complete pretrials, order signed.....	95	111	101	163	106	36	108	102	107	53	118	86	1,091	137
Supplemental pretrial orders.....	1	1	1	1	1	1	1	1	1	2	2	1	9	9
Continued:														
For motion.....	1	3	3	7	6	2	1	1	3	2	4	1	33	4
For settlement.....	6	8	13	12	4	8	5	5	4	6	20	9	94	11
Other: Examiner.....	20	28	30	68	22	20	33	36	34	20	34	47	372	30
Assignment office.....	9	7	12	21	11	5	12	15	16	7	18	21	145	11
Off ready calendar.....	2	7	8	7	4	1	8	3	8	4	3	4	57	7
Consent judgment.....	4	4	2	1	1	1	1	1	1	1	1	1	8	8
Summary judgment.....	1	1	1	1	1	1	1	1	1	1	1	1	2	2
Dismissed by plaintiff.....	1	1	1	1	1	1	1	1	1	1	1	1	2	2
Settlement:														
Before pretrial ⁴	1	15	15	12	10	4	6	6	6	3	13	10	85	5
At pretrial.....	2	2	2	6	3	3	3	1	2	3	1	1	21	1
After pretrial ⁴	1	2	4	4	4	38	45	21	19	31	35	29	224	30
Certified to municipal court.....	1	1	1	1	1	4	3	3	5	1	4	1	25	4
Dismissed for want of prosecution.....	1	1	1	1	1	1	1	1	1	1	1	1	6	6
Default noted (defendant absent).....	1	1	4	2	1	1	2	1	1	1	4	2	17	2
Number of cases finally processed by pretrial examiner ⁵	98	117	106	181	119	40	119	111	121	55	137	96	1,202	150
													1,202	150
														1,450

¹ Calendar call (of all civil cases at issue but not certified to ready calendar) conducted by pretrial examiner or assistant pretrial examiner during months of May and October.

² No pretrials set during month of August.

³ Cases continued and reassigned are counted each time on calendar.

⁴ Incomplete: May first month we have been able to obtain complete information.

⁵ Includes pretrial cases, consent judgments, settlements, certifications to municipal court, dismissals, and defaults, except for settlements reported back by clerk after pretrial.

Judge McGUIRE. With reference to what the bar has to say about this program, I call your attention to—and I would like to put in the record—an excerpt from volume 27, No. 11 of the Journal of the Bar Association of the District of Columbia. This is a statement by the president of the bar association, Richard Galihier, Esq. By the way, he probably has more trial business in our court, or his office has, than any other trial office in the District of Columbia. He says this:

Last year our District court adopted a new system of procedure governing pending lawsuits. To have a case placed on the ready-for-trial calendar, it was necessary to have counsel for each party to certify the case as "ready." If a case was not prosecuted diligently, the Clerk's Office was authorized to dismiss the same. This had the effect of eliminating cases that neither side was interested in prosecuting and kept from the trial calendar cases which were not ready for trial but which had hitherto been cluttering up the docket * * *.

Thereafter, two lawyers were appointed as pretrial and assistant pretrial examiner. I will leave the names of the individuals out, but he goes on to say:

These pretrial examiners have done an outstanding job in pretrial and our system of pretrial procedure is now being considered for adoption in other Federal jurisdictions. The new pretrial procedure has freed the judge sitting in pretrial, although he is available to dispose of questions of law that may arise during the pretrial hearing.

Then we invited, as some of you know, certain lawyers that were not members of our bar to come down and evaluate it from the standpoint of their experience. The Chief Justice of the United States came down and spent a morning and I want you to understand that the Chief Justice was not invited down in his capacity as Chief Justice. He was invited down as our circuit Justice and we concluded he ought to know how this experiment was going. I am at liberty to say for the record he was very much impressed by what he saw. We have had others come, also. We feel that from the standpoint of our own experience in the past year and the year before that the matter has worked out extraordinarily well and our so-called docket is in what we would call very good shape.

I might also say parenthetically that I saw, not too long ago, an editorial in the Wall Street Journal which made reference to the so-called cluttered condition of the Federal courts. I quote from the Journal of January 10, 1961, an editorial called "Stuck at the Bar" in which it characterized certain procedures as "outmoded." It says "outmoded" procedures should be scrapped. It also said wider use of pretrial conferences in lesser cases would sharpen issues and speed verdicts and that perhaps private damage suits involving automobiles amounting to one-fourth the caseload in lower Federal courts might be handled by administrative agencies.

We would not want to see that happen, of course, but I put that in as a sort of a leaven in the mixture to let you know about this from our point of view, that is from the standpoint of the court and from the standpoint of those who viewed the experiment and from the standpoint of the result which we feel has demonstrated its success and for which we would like to have and now ask continuing authority.

Mr. ROONEY. What does this cost?

Judge McGUIRE. \$38,000 annually.

Mr. ROONEY. Are there any questions with regard to the statements of Judge Campbell and Judge McGuire?

NUMBER OF BANKRUPTCY CASES

Mr. MARSHALL. Referring back to exhibit F, of your charts, what was the number of cases of business bankruptcies in 1955? Do you have that number?

Judge CAMPBELL. As distinguished from wage earner cases?

Mr. MARSHALL. Your chart on business bankruptcy cases.

Mr. ROONEY. That is business and nonbusiness.

Mr. MARSHALL. I would like both.

Judge CAMPBELL. 1955?

Mr. MARSHALL. Yes.

Judge CAMPBELL. The total of nonbusiness bankruptcies is 50,219 representing a percentage of 84.5. Business bankruptcies, 9,185 accounting for 15.5 of the total of 59,404.

Mr. MARSHALL. Will you give me the comparable figures for 1960?

Judge CAMPBELL. I will, sir.

Nonbusiness was 97,750 or 88.8 percent; business was 12,284 representing 11.2 percent of a total of 110,034.

Mr. MARSHALL. In this particular instance our bankruptcy cases have close to doubled in that short time?

Judge CAMPBELL. Yes, sir.

Mr. MARSHALL. Is there some special reason for that? Has there been a change in the law or court procedure or something that would encourage more of that?

INCREASE IN NONBUSINESS BANKRUPTCIES

Judge CAMPBELL. In my opinion, and I will base my opinion on my own district where the increase in nonbusiness bankruptcies is perhaps the largest in the United States, it is due to the large amount of commodity credit buying that goes on there, the time payment business, and also, in our State, it is due to the fact that there is such a low garnishment exemption law. The exemption from garnishment is a very low percentage of the wage earners' salary and thus when he falls behind in any of his payments, on these commodity credit items, such as washing machines, radios, television sets, and that sort of thing, a judgment is confessed in the local court and his wages are garnished and he is unable to continue. Accordingly, he files a wage earners' bankruptcy petition in our court.

In the States where they have a large exemption, such as in New York, where it is 90 percent of the wage earner's wage that is exempt from garnishment, they do not have this tremendous increase in non-business bankruptcies. It occurs in the States where their salaries can be garnished to a larger percentage of the salary and it is a result of credit buying by the small consumer.

I based my reasoning entirely on experience in my own district and my observation of these statistics that were before me in the preparation of this budget for other districts.

Have I answered you?

Mr. MARSHALL. Yes. I appreciate your answer.

Judge CAMPBELL. Can I give you anything further?

NUMBER OF DAYS PETIT JUROR PANELS CALLED BUT NOT USED

Mr. MARSHALL. In connection with the number of days that petit juror panels were called, I notice that the District of Columbia has 28 days with the number of jurors given as 1,576.

Judge McGUIRE. I can answer that.

Mr. MARSHALL. When we get down to the eastern district of North Carolina, it is comparable to the number of days, 29, and there is only 738 jurors not used.

For practical purposes, it looks as if you would have twice the number of jurors in the District of Columbia called that were not used as compared with North Carolina.

What would be the reason for that?

Judge McGUIRE. I can give you a reason for the District of Columbia. You must realize we have a peculiar jurisdiction. We function in the same way as a State court would function, plus the Federal jurisdiction. We have a large number of first degree murder cases and have to bring in a large number of jurors to get a panel and that is one of the reasons and a very important one; the number of murder cases.

I would not want to hazard a guess, but we do have this large number of murder cases. We have a large number of first degree murder cases and that is one of the reasons. You have to bring in large panels to get jurors.

Mr. MARSHALL. That figure would not indicate it was disproportionately high for the District of Columbia?

Judge McGUIRE. I will say this: The figure heretofore was disproportionately high because a large number of cases involved jurors who were brought in and kept waiting.

We have Judge Tamm and Judge Hart riding herd on that. I asked them about that the other day and they told me the difficulty was with the first degree murder cases, No. 1; No. 2, with the lack of wisdom in not sending jurors home, and keeping them hanging around. Again, I have a panel on a civil case waiting and I settle the case. There is no other case coming and the case is settled and the jurors can be sent home.

In our situation, most of them are Government workers so it is not an expense, strictly speaking but the difficulty is with jurors waiting and that does not make for good public relations so we try to avoid it.

Specifically in response to your question, the difficulty is first degree murder cases, a large number.

Mr. MARSHALL. Thank you.

MEASURES TO REDUCE NUMBER OF BANKRUPTCY CASES

Mr. CEDERBERG. I would like to ask if there is any opportunity to make it less convenient to enter into bankruptcy?

Judge CAMPBELL. Answering as for my own district, Congressman, to the extent we can ethically, we recommend to the Illinois Legislature, a bill now before it, which our referees in bankruptcy have also done, to increase the garnishment exemption in Illinois equal to that in New York. I might say that there is opposition to this measure in the Illinois Legislature by associations and credit organizations, banking and lending agencies, that extend this com-

modity credit. To the extent that we ethically can do so, we are trying to reduce the cases in our district, and this can only be accomplished by legislation in Illinois on the substantive law that is really causing this; namely, the garnishment act. We are doing that.

The present Governor of Illinois, a former U.S. attorney from our district, has indicated his interest in this matter and is transmitting his interest in the matter to the present legislature which is now in session. It is the only way I see that it can be relieved.

Mr. CEDERBERG. At one time in this country, just as a matter of pride an individual would go into bankruptcy only as a very last resort. At the present time, it is becoming less and less a stigma, if you want to use that word, to have gone through bankruptcy.

Judge CAMPBELL. I think your observation is entirely accurate. I am sorry to see this trend in American thought. I think what you say is correct. There seems to be little, if any, stigma attached to a wage earner going through bankruptcy in these days. They come into our court with over a thousand new filings a month. We are right now 6 months behind in mailing out notices and checks because we do not have clerks possibly to keep up with the burden.

Judge McGUIRE. I might say what I have seen. You have high-pressure sales of luxury items and then an inability to pay. If the garnishment statute on Government employees goes through here, there will be a tremendous incidence of individual bankruptcies in the District of Columbia.

Judge CAMPBELL. There seems to be a general trend toward the encouraging of wage earners to buy expensive items on time payment. I think that is general throughout business, Congressman. I do not think we, as the courts, can do very much about it.

Mr. CEDERBERG. That is all I have, Mr. Chairman.

Mr. ROONEY. Judge Ryan?

PROPOSED PRETRIAL EXAMINER SYSTEM IN SOUTHERN DISTRICT OF NEW YORK

Judge RYAN. Mr. Chairman and gentlemen of the committee, I would like to be heard, if you will, upon the provision in the proposed budget which provides for the setting up of the pretrial examiner system in the southern district of New York effective as of July 1, 1961, on a 1-year experimental basis somewhat similar in type to what is now in operation in the District of Columbia.

I have made available for your information printed copies of the last two annual reports of the court. These reports present a fairly comprehensive picture of the business of the court, the business which has been disposed of, and attempts to present some of the problems of the court.

CASELOAD IN CIVIL SUITS

Bringing those figures down to February 1, 1961, we find that we had pending on that day in the southern district of New York 11,675 civil suits. We find that in the last 7 months there had been a filing of 3,816 civil suits. We are presently running at the rate of pretty close to 7,000 civil suits a year.

I should like to place in the record this statement, if I may, Mr. Chairman, as to the present condition of the civil docket and the dispositions and filings for the past 7 months.

Mr. ROONEY. Very well. We shall insert this report at this point in the record.

(The document referred to follows:)

Report on civil cases, July 1, 1960 to Jan. 31, 1961

Cases pending close of business June 30, 1960.....	11, 255
Cases filed:	
1960—July.....	514
August.....	545
September.....	487
October.....	594
November.....	596
December.....	521
1961—January.....	559
Cases terminated:	3, 816
1960—July.....	349
August.....	382
September.....	303
October.....	461
November.....	508
December.....	866
1961—January.....	527
Jan. 31, 1961.....	3, 396
	11, 675

Judge RYAN. On February 1, 1961, we had a total of 3,047 units on our trial calendars in which the attorneys had filed certificates of readiness, certificates certifying to the court that all discovery proceedings had been completed and that the cases were actually ready for trial. On our personal injury and death jury calendar on February 1, 1961, we had 2,316 civil suits certified as ready for trial and awaiting trial.

If I may, Mr. Chairman, I should like to insert in the record a report on the condition of the civil calendar of the southern district of New York as of February 1, 1961.

Mr. ROONEY. Very well. We shall insert this document at this point in the record.

(The document referred to follows:)

Report of condition of civil trial calendars for month ending January 1961

Line	Calendar division	Pending beginning	Added	Terminated	Pending end
JURY CAUSES					
1	No. 1: Jury, personal injury and death.....	2, 317	103	104	2, 316
2	No. 2: Jury, other.....	102	18	17	103
3	Total jury causes.....	2, 419	121	121	2, 419
NONJURY CAUSES					
4	No. 3: Personal injury and death, civil cases.....	51	8	9	50
5	No. 3: Personal injury and death, admiralty.....	33	1	3	31
5	Total nonjury personal injury and death causes.....	84	9	12	81
7	No. 4: Nonjury, other.....	329	19	29	319
8	Total nonjury civil causes (total of lines 4 and 7).....	380	27	38	369
ADMIRALTY CAUSES					
9	No. 5: Admiralty, other.....	219	26	17	228
10	No. 3: Admiralty, personal injury and death (taken from line 5).....	33	1	3	31
11	Total admiralty causes.....	252	27	20	259
12	Grand total (total of lines 3, 8, and 11).....	3, 051	175	179	3, 047

Judge RYAN. To reach a proper evaluation of the merits of this budget request, inquiry should be made primarily of three separate matters: First, what is the present situation of the civil litigation in the southern district of New York, particularly with reference to current filings and terminations of civil suits, condition of the docket and status of the trial calendars? Second, what is expected to be accomplished by this pretrial examiner program, and what are the results anticipated to flow from it? Third, what is the general scope and detail of this pre-trial examiner program which is now proposed, and how will it function and work?

On January 31, 1961, there were 11,675 civil suits open and pending on our dockets, and from July 1, 1960, through January 31, 1961, there were 3,816 civil suits filed, and 3,396 civil suits terminated.

The present trend of annual filings indicates a figure of pretty close to 7,000 cases per year. When you add this to the 11,255 civil suits which were pending on June 30, 1960, you find that the court has a total in excess of 18,000 civil suits which will be pending in the Southern District of New York during this current fiscal year.

This civil work is in addition to the bankruptcy work, the criminal work, and the naturalization proceedings which we have.

Incidentally, the criminal calendar occupies the time continuously of four to five of our judges.

NEED FOR MORE JUDGES AND OTHER REMEDIES

The need for additional judges in our district is accepted as a fact, but the answer to the problems which are caused by the volume and by the nature of the civil litigation and by the heavy backlog of pending suits will not be found alone in more judges. There must be changes in the administration of the court business and in the procedures which are invoked.

The judges of the court have been seriously applying themselves to these problems, and we have adopted a number of changes in procedure. We are now applying them. We require a certificate of readiness for trial before a suit is placed upon the trial calendar. We have established a separate pretrial calendar, and there is a constant broadening application of the pretrial rules and pretrial procedures. We have a regular quarterly calling of a review calendar. These are examples of what we have been trying to do.

We have found that these devices and these procedural changes have not brought us a solution.

The program we now propose and earnestly recommend to this committee is proposed on a 1-year experimental basis, the operation of which, granting this requested appropriation is made, is an effort by the court to provide what is expected, along with additional judge-power, to be an effective remedy to the problems of congested dockets and overburdened trial calendars.

This program has the approval of the judges of the court. It has the endorsement of the Committee on Superior Courts of the Association of the Bar. I understand that committee has addressed a letter to your chairman under date of February 14, 1961. If it would not be presumptuous on my part, I would like to have that included in this presentation.

Mr. ROONEY. I do not know that that is necessary. We get many and all sorts of communications. We have a communication that they want six additional judges in the eastern district of New York.

Judge RYAN. No; or rather two by the Judicial Conference.

Mr. ROONEY. I am a realist. We have about as much chance of getting six additional judges in the eastern district of New York as we have of getting to heaven without doing some time down below.

Judge RYAN. I am not versed in that matter. I have enough to do to take care of the southern district of New York. I know you and the members of the committee are anxious to cooperate with me as Chief Judge of the largest, the busiest, and perhaps the most important court of our entire Federal system. In that spirit I come down with the approval and the endorsement of all of the judges of the court. This budget is presented to you, including this item, by a vote and by the direction of the Judicial Conference of the United States.

On January 31, 1961, we had 3,047 suits awaiting trial on the trial calendar. Of these, there were personal injury and death claims totaling 2,397, and a jury trial has been demanded in all but 81 of the suits. We set up a separate personal injury and death calendar for nonjury cases, hoping that would induce the attorneys to waive trial by jury in those cases. You can get a trial on that calendar within 3 to 4 weeks. We have 81 cases on that calendar and 2,397 cases on our jury personal injury and death calendar.

There are just one or two more observations which I should like to make.

GROUPING AND HANDLING OF SUITS

Of the total of 6,580 civil suits which were terminated the last fiscal year, a study shows that approximately 50 to 55 percent required but little or no judicial action during their pendency. Approximately 45 percent of the suits terminated occupied substantial time by way of motions, pretrials, and other hearings, and only approximately 7 percent of the dispositions resulted in actual trials.

This is apparently a uniform pattern for both new and old filings, and it divides these suits which are filed in three major groups: One, 55 percent of the filed litigation which is terminated with little or no judicial burden, 38 percent which requires considerable judicial work, and in addition to that, 7 percent which ultimately require trial.

There are two more groupings of suits. One is the so-called long and protracted suit, the complicated suit, the involved suit, which comprises between 2 and 3 percent of our annual filings.

Then we have another group of suits which require special handling. Those are the suits which arise out of a group disaster. An airplane crash will give rise in the southern district of New York, even though it may happen up in Nantucket, to at least 20 suits. An airplane crash in Maryland has given rise to 18 civil suits in the southern district of New York. A crash on Riker's Island has given rise to 19 suits. How many suits will flow from the recent crash over Brooklyn, I do not know, but it is fair to predict that at least 40 to 50 suits will find their way into the southern district of New York. These suits we gather together and try to handle as one group and assign them to one judge.

Efficient judicial management in a district like the southern district of New York requires that this grouping of suits be accomplished as

soon as possible after filing, and that the suits which will be terminated with practically no work on the part of the court should also be isolated. Likewise, those suits which will require judicial action and which will result in trial should be isolated.

We hope to effect an early grouping of our litigation through the use of this pretrial system which we are now proposing and which we ask to try out on an experimental basis for 1 year. We hope to bring about a result which will permit an early identification of the long and protracted case, which will permit a consolidation of the group disaster cases, which will permit an isolation of suits which will require but little or no judicial work, and concentrate attention upon the suits which will require judicial work and which will ultimately result in trial.

We do not intend—we feel it would be a waste of time—to hold formal pretrials in every suit which is filed, because we know that 45 or 50 percent will be terminated without any work on our part. We do want to divide our pretrial procedures into two stages. We want to hold a pretrial discovery hearing at an early stage in those suits which will require judicial attention. We want to hold a final pretrial hearing in those cases which will ultimately find their way onto a trial calendar.

It is proposed that these pretrial examiners, for whom we ask this appropriation, function under the constant and direct supervision of a judge who will be assigned to a pretrial part. These pretrial examiners will operate under his direction and control, and their rulings will be subject to immediate review.

PROPOSED PRETRIAL PROCEDURE

We propose then to put this system into effect, if we get the funds, as follows:

1. All motions and applications relating to pretrial discovery matters will be referred to the pretrial part and assigned to an examiner for the formulation and entry of an order which will schedule and regulate all avenues of discovery and, in addition, provide for admissions and fact stipulations.

2. All other suits pending on the docket will be called in this pretrial part for hearing before an examiner, and at pretrial a discovery order will be entered unless all the parties involved request that none be held. If such a request is made, the suit will be marked off the pretrial calendar and no motion or application relating to discovery may be made without formal application for permission.

We propose, in addition, to continue with our quarterly review calendar, where we call all suits which are on the dockets 12 months or more and have not been placed upon the trial calendar. We hope that by this procedure we shall be able to isolate and put aside that 55 percent of our litigation which will require little or no judicial work.

When it appears at a pretrial discovery hearing that a suit is a long and protracted one or that it is coming from a group disaster, a pretrial discovery order will be held. The suit then will be entered. The suit then will be referred to the chief judge for assignment to a single judge. In this way we shall be able to identify the long and pro-

tracted and complicated cases and the group disaster cases at an early date.

We propose, further, with reference to the suits which find their way upon a trial calendar after the entry of a pretrial discovery order, to hold final pretrial hearings in those cases and enter an order which will look to the actual trial itself and provide for the framing of issues.

We propose, too, to continue our present system of exploring all possibilities of settlement by our calendar judge after a pretrial has been held.

The judges of the court feel that if we are given this opportunity we will develop a procedure which will solve many of our problems. At the present time, no matter how hard we work, we are not able with our present procedures to cope with our constant inflow of cases because of their complicated nature and their large volume. We earnestly ask that this appropriation be made in the amount that is requested.

Mr. ROONEY. Is that your summary statement?

Judge RYAN. Yes. I am here prepared to answer any question either you, Mr. Chairman, or any members of the committee have concerning this matter.

Mr. ROONEY. Is this the only matter in this budget that concerns the southern district of New York?

Judge RYAN. The only matter directly. If, after questioning, I could catch a train, I would appreciate it because I want to get back on that 4 o'clock train.

Mr. ROONEY. Mr. Bow?

Mr. Bow. Yes, Mr. Chairman, I would like to ask a few questions about this.

COST OF PROPOSED PRETRIAL EXAMINER SYSTEM

This is a matter of \$100,000 for a trial run, which seems to me to be a good bit of money.

Judge RYAN, checking the comparison, you say this is to follow the Washington experiment we have had down here. I note that the pretrial examiner in the District of Columbia is \$16,665 per annum, whereas your senior pretrial examiner goes to \$17,500. The assistant pretrial examiner in the District of Columbia is \$12,900, and your other pretrial examiners in New York would be \$15,000. The administrative secretary in the District of Columbia for the two men is a GS-6, whereas in the setup in New York you have three GS-7's and two GS-5's. Why is there this difference in the salary grades between the southern district of New York and the District of Columbia?

Judge RYAN. Because we feel that you cannot get competent, qualified men to perform these services at lower rates in the city of New York.

Mr. Bow. Do you consider it more difficult in the city of New York than in the District of Columbia to secure your pretrial examiners?

Judge RYAN. I feel that we will have greater difficulty. We cannot put an inexperienced man on this work. It would be a waste of time and money.

Mr. Bow. May I put this question to you, Judge McGuire: Did you have any difficulty in filling your position of pretrial examiner?

Judge MCGUIRE. No. We secured the Assistant Chief of the Federal

Tort Claims Section of the Department of Justice, a man who had had very broad experience throughout the country with reference to Federal tort claims.

JUDGE TO REVIEW PRETRIAL EXAMINER'S DECISIONS

Mr. Bow. Judge Ryan, I am interested that you have a setup of a senior pretrial examiner and three pretrial examiners. I assume from reading the justifications that probably the senior pretrial examiner would control the work of the trial examiners, but in your testimony you said there would be a judge assigned to direct the pretrial examiners. Are we going to have a judge give up his time from handling cases to direct the work of the pretrial examiners?

Judge RYAN. A judge would act as a reviewing judge on a decision made by any one of the four pretrial examiners. It is contemplated that a senior trial examiner would be the man in charge, who would assign the work and would supervise the work and see that it was gotten out purely from a ministerial point of view.

Mr. Bow. What would be the duty of the judge assigned?

Judge RYAN. The judge would review the decisions. If an attorney was aggrieved or did not accept a ruling made by a pretrial examiner, instead of having the lawyer make a formal motion and file a lot of papers, there would be a judge functioning right there. If at the hearing when the order was drawn they found fault with it or objected to any of its provisions, they could go right in before the judge with a reporter present and make a record of their objection and obtain a judicial ruling.

Mr. Bow. Would it be your opinion, Judge Ryan, that it would take the full time of one of the judges to handle this work with the pretrial examiners?

Judge RYAN. To properly supervise the pretrial work, it would be more than a full day's job for one judge in the beginning. Ultimately, after this has been functioning and after the bar has been educated to it and has confidence in the pretrial examiners and accepts their rulings and has respect for them and for their ability, we feel the work will be minimized as far as the judge is concerned, and it may take only half of the judge's time, the other half of his time being devoted to trial work. This is a process of education. The bar has to be educated to new procedures and new devices. Our system of handling litigation in a large metropolitan district like the southern district of New York is antiquated. It has to be changed.

Mr. Bow. That is all, Mr. Chairman.

APPROVAL BY THE JUDICIAL CONFERENCE

Mr. ROONEY. Judge Ryan, has the Judicial Conference approved this request?

Judge RYAN. The history of that is as follows: At a meeting of the Judicial Conference, I asked that this item be included in this budget. I so moved at the September meeting. The motion was discussed and was passed. It is included in the budget following vote of the Judicial Conference.

Judge McGUIRE. Could I say something with reference to that. I do not want to leave the record obscure with reference to the District

of Columbia, Mr. Congressman. We have judges in liaison with all of the administrative branches of the court, like the motions commissioner and like the District Attorney's office. At the present time I happen to be the liaison judge to pretrial examiners, but my duties as such do not in any way impair my function sitting as a nonjury judge at the present time. I take these matters in the morning at 9:45. It is rarely now that we have any problems. We do not devote full time at all. It has been a savings to us, particularly last year when we had one judge on an antitrust case that took 1 year from November 1959 until January 1961, another judge who had illness in his home and a subsequent death, another judge who died, and another judge with a very serious operation and still out. From our point of view we found the system very successful.

Mr. ROONEY. Judge Ryan, when you say you made a motion to include it in this budget, was there a question as to whether or not the amount, the number of people involved, and so on, were or were not approved by the Judicial Conference?

Judge RYAN. There was no detailed discussion as to the various items set forth. What happened, as I recall it—and if I am in error, Mr. Olney, I know, will correct me and I will accept his correction very gladly—my recollection is that when the budget was considered first by the Budget Committee, this item was not in the proposed budget. As a member of the Budget Committee, I asked that it be included with a special note and that it be submitted to a special vote at the Conference as to whether or not it should be included in the proposed budget. It was so noted in the proposed budget submitted to the Judicial Conference. When the proposed budget came up before the Judicial Conference, this note was called to their attention. At that time I spoke with reference to this item. I moved formally that it be included in the proposed budget, and the motion was passed after discussion.

Is that a fair narrative of what happened? If I am in error, you correct me. I had one or two other things in my mind during that day.

Judge CAMPBELL. With one additional proviso, namely, that Chief Judge Ryan was to make the presentation rather than the Chairman of the Budget Committee.

Judge RYAN. That is right, because I knew more about the business of the southern district of New York than Chief Judge Campbell does, with due respect to him, as he knows more about the business in his court in Chicago than I would ever know.

Mr. Bow. At the time you made your motion, were these figures in the motion that you made, the number of people and the grades of the stenographers and clerk-typists and deputy clerks and law clerks? Was this filled out in detail?

Judge RYAN. My recollection is that they were proposed this way with itemization. I do not think there was any detailed discussion of it except that I indicated that to make this effective in the southern district of New York, because of the volume of business there and the nature of the business, there should be four pretrial examiners, one of whom should be a supervising or senior trial examiner.

Mr. Bow. Mr. Olney, do you recall whether or not these exact figures in this detail were set forth in that motion?

Mr. OLNEY. I am sure that it was not set forth in the motion. I believe that these details were included in the documents before the Conference.

Judge RYAN. That is right.

Mr. Bow. After the motion was adopted. Were these figures as they are shown here ever approved by the Judicial Conference, or is this something which was submitted after the motion was adopted?

Judge RYAN. They were submitted in advance.

Mr. OLNEY. Yes.

Judge RYAN. I submitted these figures in advance to the Budget Committee and to the Administrative Office, detailed as they are now, except for the furniture item, as I recall it. The discussion was of a total amount of \$100,000.

Mr. OLNEY. Yes.

Mr. Bow. Thank you.

Judge CAMPBELL. That is my recollection of it, \$100,000.

Mr. ROONEY. Thank you, Judge Ryan.

Judge RYAN. May I be excused?

Mr. ROONEY. Surely, and with our thanks.

Now, Mr. Olney, do you have a general statement?

Mr. OLNEY. No, sir.

I would like to endorse what Chief Judge Campbell has said. I would be glad to answer any questions but I do not have a general statement for the committee.

SALARIES OF JUDGES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation: Permanent positions.....	8,825	8,886	8,886
12 Personnel benefits.....	257	289	289
13 Benefits for former personnel ¹	25	25	25
Total obligations.....	9,107	9,200	9,200

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions:			
Active judges.....	316	313	313
Senior and resigned judges.....	81	84	84
Average number of all judges.....	381	384	384
Number of judges at end of year:			
Active judges.....	301	300	300
Senior and resigned judges.....	80	86	86

¹ Widows of Supreme Court Justices.

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities:			
Salaries and benefits (total obligations).....	9,107	9,200	9,200
Financing:			
Unobligated balance lapsing.....	78		
New obligational authority (appropriation).....	9,185	9,200	9,200

Mr. ROONEY. The first item is to be found at page 153 of the committee print, and is entitled "Salaries of judges." The details with regard thereto are to be found at pages 83 through 86 of the justifications. We shall insert those pages at this point in the record.

(The pages referred to follow:)

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....	\$9,200,000
Base for 1962.....	9,200,000
Net difference, 1962 over 1961:	

	Requirements		Difference, increase (+) or decrease (-)
	1961 appro- priated	1962 estimate	
Compensation and benefits.....	\$9,200,000	\$9,200,000	
Total estimate for 1962.....			\$9,200,000

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—
SALARIES OF JUDGES

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$8,886,000	\$8,886,000	
12 Personnel benefits.....	289,000	289,000	
13 Benefits for former personnel (or survivors) ¹	25,000	25,000	
Total obligations.....	9,200,000	9,200,000	

¹ Widows of Supreme Court Justices.

JUSTIFICATION

Language changes

None.

Objectives

Funds appropriated under this heading are for the salaries and benefits of all U.S. circuit and district judges, and all justices and judges who have retired or resigned in pursuance of law. Annuities to surviving widows of Supreme Court Justices are also payable from this appropriation. For basic statutory authorities, reference is made to section J of the "Digest of Appropriations: The Judiciary," on file with the Bureau of the Budget and the Appropriations Committee of the Congress.

General justification

At the present time, there are 68 judgeships in the U.S. courts of appeals and 245 judgeships in the U.S. District courts (including the district courts in the territories and possessions). The base appropriation for fiscal year 1962 is sufficient to pay on the average the salaries and benefits of 384 circuit, district, senior, and resigned judges, or 3 more than the average number on the rolls during 1960. It is also sufficient to continue the annuity payments of five widows of Supreme Court Justices.

No increase in this appropriation is being requested for fiscal year 1962.

Mr. ROONEY. The request is in the amount \$9,200,000, the same as the amount appropriated for the salaries of judges in the current fiscal year.

Mr. Olney, how many resigned judges are there now on the rolls?

Mr. OLNEY. Seventy-six. This is retired judges.

Mr. ROONEY. I meant retired judges.

SALARIES OF SUPPORTING PERSONNEL

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Personnel compensation:			
Permanent positions.....	15,744	17,308	18,129
Positions other than permanent.....	4,201	4,695	4,967
Other personnel compensation.....	219	146	62
Total personnel compensation.....	20,164	22,150	23,159
Direct obligations:			
11 * Personnel compensation.....	20,156	22,143	23,152
12 Personnel benefits.....	1,344	1,640	1,710
Total direct obligations.....	21,500	23,783	24,862
Reimbursable obligations:			
11 Personnel compensation.....	7	7	7
Total obligations.....	21,507	23,790	24,869

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	2,723	2,753	2,837
Full-time equivalent of other positions.....	679	685	714
Average number of all employees.....	3,343	3,393	3,497
Number of employees at end of year.....	3,375	3,410	3,520

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Salaries and benefits:			
Direct obligations.....	\$21,500	\$23,783	\$24,862
Reimbursable obligations.....	7	7	7
Total obligations.....	21,507	23,790	24,869
Financing:			
Advances and reimbursements from other accounts.....	-7	-7	-7
Unobligated balance lapsing.....	1		
New obligational authority.....	21,501	23,783	24,862
New obligational authority:			
Appropriation.....	21,501	22,085	24,862
Proposed supplemental due to pay increases.....		1,698	

If there are no questions with regard to salaries of judges, we shall come to the item entitled "Salaries of supporting personnel," which is to be found beginning at page 155 of the committee print. The details with regard thereto are to be found at pages 87 through 137 of the justifications. We shall insert all these pages at this point in the record.

(The pages referred to follow :)

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....	\$22,085,000
1961 proposed supplemental due to pay increases.....	1,698,000
Base for 1962.....	
Net difference—1962 over 1961:	23,783,000

	Requirements		Difference, increase (+) or de- crease (—)
	1961 adjusted	1962 estimate	
Personnel compensation.....	\$22,143,000	\$23,152,000	+\$1,009,000
Personnel benefits.....	1,640,000	1,710,000	+70,000
Total.....	23,783,000	24,862,000	1,079,000 +1,079,000
Total estimate for 1962.....			24,862,000

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES, SALARIES
OF SUPPORTING PERSONNEL

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (—)
11 Personnel compensation.....	\$22,143,000	\$23,152,000	+\$1,009,000
12 Personnel benefits.....	1,640,000	1,710,000	+70,000
Total (direct) obligations.....	23,783,000	24,862,000	+1,079,000

¹ Includes \$1,698,000 proposed supplemental due to pay increases.

Analysis of increases requested by class of personnel

	Estimate, 1961		New personnel		Within- grade pro- motions	Other changes	Estimate, 1962	
	Posi- tions	Amount	Posi- tions	Amount			Posi- tions	Amount
Personnel compensation:								
Clerks of courts.....	1,275	\$8,080,000	26	\$113,955	\$126,700	\$81,150	1,301	\$8,401,805
Probation system.....	897	5,920,000	43	¹ 205,300	107,100	—2,600	910	6,229,800
Court reporters.....	249	1,870,000	3	22,900		23,100	252	1,916,000
Criers.....	211	900,000			15,200	24,600	211	939,800
Other personnel.....	151	853,000	12	101,795	12,000	3,200	163	939,995
Subtotal.....	2,753	17,623,000	84	443,950	261,000	129,450	2,837	18,457,400
Secretaries and law clerks.....	² 627	² 4,520,000	13	69,800	73,800	31,000	² 640	4,694,600
Total, personnel compensation.....	3,380	22,143,000	97	513,750	334,800	160,450	3,477	23,152,000
Personnel benefits.....		1,640,000		40,250	22,800	6,950		1,710,000
Total, personal serv- ices and benefits.....	3,380	23,783,000	97	554,000	357,600	167,400	3,477	24,862,000

¹ 10 months' provision.

² Equivalent number of full-time positions.

Summary of increased requirements for 1962

Item	Nature of expense (or savings)	Amount
1	Deduction for extra compensable day in 1961, not required in 1962	—\$89,500
2	Continuing authority for pretrial examiner and staff, District of Columbia (3 positions, \$38,000)	
3	For the establishment of a pretrial examiner division of the U.S. District Court for the Southern District of New York on a 1-year experimental basis (4 pretrial examiners and 5 staff members)	
4	Net cost of within-grade salary advancements	93,800
5	25 additional deputy clerks, GS-5, at \$4,345 per annum	357,600
6	1 assistant librarian, GS-7, at \$5,355 per annum	117,500
7	30 additional probation officers, GS-9, at \$6,435 per annum (10 months' provision)	8,760
8	13 additional clerk-stenographers for probation officer, GS-4, at \$4,040 per annum (10 months' provision)	173,800
9	3 court reporters, ungraded, at \$7,630 per annum	47,700
10	3 clerical assistants for U.S. commissioners, GS-6, at \$4,830 per annum	24,700
11	1 National Park Commissioner, ungraded, at \$6,400 per annum (reduction of lapse)	15,740
12	For the employment of additional law clerks and secretaries to judges	8,900
13	Increase in the allotments for temporary emergency employment	75,000
14	Salary adjustments:	102,600
	Courtiers, from GS-4 to GS-5, approved by the Judicial Conference, March 1960	30,000
	Deputy clerks (district courts) in charge of divisional offices, approved by the Judicial Conference, March 1960	53,400
15	Standards for senior administrative secretary, GS-10, approved by the Judicial Conference, September 1960	30,000
16	Deputy clerks and other personnel in clerks' offices, courts of appeals, based on standards approved by the Judicial Conference, September 1960	25,000
17	Librarians, courts of appeals, based on standards approved by the Judicial Conference, September 1960	9,000
	Total (net) increase	1,079,000

JUSTIFICATION

Language changes

Pursuant to the authority contained in the Federal Employees Salary Increase Act of 1960, Public Law 86-568, the limitations of \$14,835 and \$19,815 with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges are changed to \$15,950 and \$21,305, respectively.

Objectives

This appropriation is for payment of compensation and benefits of all supporting personnel of the U.S. courts of appeals and district courts, except the referees in bankruptcy and their clerical assistants. For data as to the classes of personnel covered and basic statutory authorities, reference is made to section K of the Digest of Appropriations, "The Judiciary," on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

The supporting personnel of the U.S. courts provided for by this estimate are required to assist the judges in the conduct of hearings, trials, and other judicial functions and to man the component offices of the courts including the Federal probation system. The estimate for 1962 will permit the employment of additional deputy clerks to handle an increase in the volume of work in the clerks' offices due primarily to rising bankruptcy filings, and substantial increases in the number of passport applications and petitions for naturalization processed by the district courts. Funds are included for additional probation officers in an effort to reduce the caseload per officer so as to provide more effective probation and parole investigation and supervision. Provision has been made for the employment of additional law clerks and secretaries to judges; clerk-stenographers for probation offices; clerical assistants for U.S. commissioners; court reporters; and other court personnel. Provision also has been made for an increase in the allotments for temporary emergency employment for clerks' offices, probation offices, and judges, including temporary court reporters to serve visiting judges and in land condemnation proceedings; and for salary adjustments for certain court personnel under standards approved by the Judicial Conference of the United States.

The courts of appeals

The courts of appeals received a record number of 3,899 new appeals in fiscal year 1960, 3,713 cases were terminated and the pending caseload in-

creased almost 10 percent to a new high of 2,220 cases. Filings in 1960 were almost 4 percent higher than in 1959 and represent the largest 1-year increase in the judicial business of the courts of appeals since 1957. In spite of an extremely heavy caseload in some circuits, the courts of appeals, as a whole, continue to remain on a reasonably current basis. This is due in large measure to the contribution of senior circuit judges, and the assignment of district judges to sit in the appellate courts.

The following table shows caseload data for the U.S. courts of appeals for the past 10 years:

Fiscal year	Filed	Terminated	Pending	Fiscal year	Filed	Terminated	Pending
1951-----	2,982	2,829	1,828	1956-----	3,588	3,734	2,029
1952-----	3,079	3,048	1,859	1957-----	3,701	3,687	2,043
1953-----	3,226	3,240	1,845	1958-----	3,694	3,704	2,033
1954-----	3,481	3,192	2,134	1959-----	3,754	3,753	2,034
1955-----	3,695	3,654	2,175	1960-----	3,899	3,713	2,220

Exhibit A shows the flow of cases commenced by source in the courts of appeals from 1941 to 1960.

The district courts

There were 57,665 civil cases filed in the district courts during fiscal year 1960, an increase of 2,144 cases or approximately 4 percent over the 55,521 civil cases commenced in 1959. In 1960, 57,449 civil cases were terminated, 216 less than the number filed, and the number of pending civil actions increased from 60,800 to 61,016. The following is a comparison of the flow of cases in 1959 and 1960:

Civil cases filed, terminated and pending (except Alaska¹)

	Filed	Terminated	Pending
All civil:			
1959-----	55,521	60,241	60,800
1960-----	57,665	57,449	61,016
Percentage change-----	+3.9	-4.6	+0.4
U.S. civil:			
1959-----	20,297	21,271	16,097
1960-----	20,787	20,929	15,955
Percentage change-----	+2.4	-1.6	-0.9
Private civil:			
1959-----	35,224	38,970	44,703
1960-----	36,878	36,520	45,061
Percentage change-----	+4.7	-6.3	+0.8

¹Alaska is not included in the above figures because of the adjustment in the pending civil caseload made during the year between the Federal district courts and the State courts of Alaska, as the result of the admission of Alaska to statehood.

The increase of 4 percent in total civil filings follows a 14 percent decrease that occurred in 1959 as the result of the act of July 28, 1958, curtailing jurisdiction in diversity of citizenship and certain Federal question cases. It is evident that the improvement of docket conditions as a result of the Jurisdiction Act has been short-lived. A graphic presentation of civil cases commenced in the U.S. district courts during the fiscal years 1941 through 1960 is included as exhibit B. Exhibit C shows the number pending in the U.S. district courts at the close of each fiscal year since 1941.

The volume of criminal cases filed annually in the district courts continues to remain virtually unchanged as criminal filings of 28,137 cases in 1960 were only 600 less than the 28,729 cases filed in 1959. In the last 5 years the trend of filings has been almost level, ranging between 28,000 and 29,000 cases a year.

If prosecutions under the immigration laws for illegal entry and reentry, which occur in volume only in the districts bordering on Mexico, are not considered, there has been relatively little variation in the number of crimi-

nal cases filed annually since 1948. Exhibit D shows that variations in the total criminal cases commenced in the district courts since 1948 are due entirely to changes in the volume of immigration cases.

During 1960 deposits into the general fund of the Treasury, representing fees, fines, penalties, forfeitures, recoveries, and refunds, aggregated approximately \$7,498,000. This is exclusive of deposits into the Referees' salary and expense fund.

Passport applications

The number of passport applications that the district courts processed during the fiscal year 1960 totaled 222,141, an overall increase of 24,313 or approximately 12 percent more than the courts handled during 1959. In the southern district of Florida (Miami) and the western district of Washington (Seattle) there are new passport offices in operation, resulting in a reduction of applications processed in those districts from 7,652 and 6,805 respectively, in 1959, to 4,440 and 2,218 in 1960. The reduction in these two districts of 7,799 applications, however, is more than offset by an increase of more than 33,000 applications in the remaining districts.

The following is a summary of the total passport applications filed in the district courts for fiscal years 1957 through 1960:

Fiscal year	Total number of passport applications filed in the district courts	Percentage increase	
		Annual	Cumulative
1957.....	171,737		
1958.....	185,684	8.12	
1959.....	197,828	6.54	15.19
1960.....	222,141	12.29	29.35

Since 1957, the number of passport applications being processed by the district courts has increased over 50,000, or approximately 30 percent. The Passport Office of the State Department forecasts a 12 percent annual increase through fiscal year 1961. Based upon this forecast the courts may be expected to process approximately 250,000 such applications in 1961. Assuming the trend continues, the courts would process over 280,000 applications in 1962.

A committee of clerks made a study and found that it takes on the average 30 minutes to process a passport application. This includes counter inquiries, telephone calls, and correspondence. To handle the anticipated increase of 30,000 applications in 1962, it would require approximately 15,000 man-hours or the services of deputy clerks equivalent to seven full-time positions.

Petitions for naturalization

Petitions for naturalization also increased, rising by 17 percent from 83,704 in 1959 to 97,972 in 1960. The number of aliens actually naturalized showed a slightly larger percentage increase from 78,053 in 1959 to 92,314 in 1960.

Probation system

A caseload of 75 per officer is recognized as the optimum for effective probation and parole investigation and supervision. This continues to be the goal of the Federal Probation System. The following table shows the average caseload of Federal probation officers for the past 5 years:

End of fiscal year	Number of probation officers	Average caseload
1956.....	387	100
1957.....	481	85
1958.....	487	86
1959.....	508	83
1960.....	506	84

The increase in the average caseload per officer in 1960 is due to an increased supervision load. At the close of fiscal year 1960, there were 34,343 persons under supervision compared with 34,112 at the end of 1959, an increase of 231. The increase in the number of persons under supervision to some extent was offset by a reduction in presentence investigations from 23,992 in 1959 to 23,662 in 1960.

In 1960 the daily per capita cost of probation was 52 cents a day, compared with \$5.12¹ a day for Federal prisoners in Federal institutions, or a yearly cost of \$190.58 compared with \$1,873. Both probation and parole help to lower the institutional population and, ultimately, the cost to the taxpayer. More significant than these savings are the differences in social costs which cannot be measured in dollars and cents. The following table shows the cost of Federal probation compared with the cost of Federal imprisonment, fiscal years 1951 through 1960:

	Cost per day		Cost per year	
	Probation	Imprisonment	Probation	Imprisonment
	<i>Cents</i>			
1951.....	22.5	\$3.27	\$81.99	\$1,193.92
1952.....	25.4	3.56	93.08	1,302.96
1953.....	26.4	3.55	96.41	1,295.75
1954.....	26.9	3.41	98.26	1,243.19
1955.....	26.7	3.68	97.37	1,343.20
1956.....	32.4	3.97	118.14	1,449.05
1957.....	41.3	4.38	150.74	1,598.70
1958.....	42.9	4.86	156.75	1,591.40
1959.....	51.0	4.82	184.81	1,759.30
1960.....	52.0	5.12	190.58	1,873.00

Bankruptcy

Contributing to the workload of the district courts there has been a marked increase in the volume of filings in bankruptcy. The number of bankruptcy cases filed in fiscal year 1960 reached another alltime peak of 110,034. The number of cases filed, the numerical increase, and the rate of increase during the past 5 years were as follows:

Fiscal year	Cases filed	Increase	
		Number	Percentage
			Annual Cumulative
1956.....	62,086		
1957.....	73,761	11,675	18.8
1958.....	91,668	17,907	24.3
1959.....	100,672	9,004	9.8
1960.....	110,034	9,362	9.3

Of the total cases filed in 1960, 88.8 percent were nonbusiness bankruptcies (wage earners) and 11.2 percent were business bankruptcies (which includes merchants, manufacturers, others in business, farmers, and the professional groups). Exhibits E and F show the number of bankruptcy cases filed and pending, fiscal years 1955-60 and the number and ratio of business to nonbusiness bankruptcies commenced, fiscal years 1940-60.

On July 1, 1959, there were 84,273 cases pending. During the year 99,317 cases were closed (110,034 filed), resulting in an increase in the pending caseload of 10,717 cases or 12.7 percent. This compares with an increase in the pending caseload in 1959 of 3,827 cases or 4.8 percent. The number pending on June 30, 1960, was 94,990, a new alltime high. The number closed in 1960 (99,317) was also a new high.

¹ Including Federal prisoners confined at local jails under contract, the per capital daily cost is \$4.85.

It is estimated that in 1962 over 130,000 bankruptcy cases will be filed, or 20,000 in excess of the total filings in 1960. The filing fee in a straight bankruptcy case is \$50, of which \$8 is deposited into the general fund of the Treasury as the clerk's fee. In chapter XIII cases (wage earner plans) the clerk's fee is only \$5. If the current trend continues and the 130,000 filings forecast for fiscal year 1962 materializes, a total of approximately \$1 million will be deposited into the general fund representing fees for services rendered by the clerk's offices in bankruptcy cases or approximately \$155,000 more than was deposited in 1960.

Detailed justifications

An appropriation of \$24,862,000 is requested for fiscal year 1962, representing a net increase of \$1,079,000 over the appropriation for fiscal year 1961, which has been adjusted to include the proposed supplemental for pay increases under the Federal Employees Salary Increase Act of 1960 (Public Law 86-568). The increase will permit the employment of an additional 25 deputy clerks, 30 probation officers, 13 clerk-stenographers for probation offices, an equivalent of 13 full-time secretaries and law clerks for judges, 3 clerical assistants for U.S. commissioners, 3 court reporters, a librarian, and a national park commissioner. Provision also has been made for the establishment of a pretrial examiner division of the U.S. District Court for the Southern District of New York on a 1-year experimental basis. The increase covers the net cost of within-grade salary advancements due existing employees and provides for an increase in the allotment for temporary emergency employment for clerk's offices, probation offices, and judges, including temporary court reporters to serve visiting judges and in land condemnation proceedings. It also provides for salary adjustments for certain court personnel under standards approved by the Judicial Conference of the United States.

Deduction for extra compensable day

The sum of \$89,500 representing the cost of an extra compensable day in fiscal year 1961 has been deducted in establishing the requirements for fiscal year 1962. Officers and employees of the courts will be compensated for 261 days in fiscal year 1961, whereas in fiscal year 1962 there are only 260 compensable days. The savings represents a reduction in personnel compensation of \$83,800 and a corresponding reduction in personnel benefits (agency contributions for retirement and insurance) of \$5,700.

Continuing authority for pretrial examiner and staff—District of Columbia

The sum of approximately \$30,000 was appropriated for the fiscal year 1960 for the appointment of a pretrial examiner and staff for the U.S. District Court for the District of Columbia on a temporary 1-year experimental basis. A pretrial examiner and an assistant pretrial examiner were appointed and entered on duty November 11, 1959. Subsequently, an administrative secretary was appointed to serve the examiner and his assistant. The program was in operation on the 1st of December, 1959, which was subsequent to the submission of the 1961 fiscal year budget estimates. Inasmuch as a study and evaluation of the program was not possible prior to submission of the 1961 budget estimates, a 1-year extension of authority was requested and granted.

During the period from December 1, 1959, through June 30, 1960, the office of the pretrial examiner held a total of 720 complete pretrials in which orders were signed and 160 other hearings. In addition, the examiner has conducted a calendar call as a result of which many cases have been dismissed or defaulted and a large number of others certified to the municipal court for the reason that the amounts involved were less than the \$3,000 jurisdictional amount required in the district court. The total number of transfers during the year, almost all of which were to the municipal court was 265. A statistical summary of the disposition of cases assigned for pretrial hearing from December 1, 1959, through June 30, 1960, is included as exhibit G.

The program has resulted in a more uniform procedure for holding pretrial conferences, a procedure which is now becoming familiar to counsel. The pretrial instructions issued by the court have also enabled counsel to prepare and evaluate their cases better. The form of the pretrial order has become standardized in contrast to the variances that occurred when the pretrial assignment was rotated among the judges.

The experiment has proven to be a success and, therefore, it is requested that the Congress extend, on a continuing basis, the authorization for a pretrial examiner and staff for the U.S. District Court for the District of Columbia.

The current salaries and related benefits of the pretrial examiner, assistant examiner and secretary are as follows:

	<i>Per annum</i>
Pretrial examiner (ungraded).....	\$16,665
Assistant pretrial examiner (ungraded).....	12,900
Administrative secretary, GS-6.....	5,820
Total personnel compensation.....	35,385
Personnel benefits (retirement, insurance, etc.).....	2,615
Total ¹ personal services and benefits.....	38,000

¹ Adjusted under the Federal Employees Salary Increase Act of 1960.

Pretrial examiners and staff—Southern district of New York

Provision has been made for setting up in the southern district of New York, effective July 1, 1961, on a 1-year experimental basis a pretrial examiner division in the court similar in type to that presently operating in the district court for the District of Columbia. While the situation in the southern district of New York differs from that of the District of Columbia because of the type of litigation and lack of opportunity to transfer to a local court of lower monetary jurisdiction, it is believed that with modifications it could be made effective.

Some radical procedural changes must be made to reduce the judicial time spent on litigation which is eventually terminated without trial. The court feels that pretrial discovery hearings before court-appointed examiners operating under the immediate supervision and direction of a specially assigned judge is the most feasible solution.

Civil filings in the southern district of New York during fiscal year 1960 numbered 6,924, and on July 1, 1960, there were 11,281 civil suits pending. There is every indication that the caseload will increase.

In order to establish the pretrial division for the court, the sum of \$93,800 will be required for salaries and related benefits as follows:

Personnel compensation:

1 senior pretrial examiner.....	\$17,500
3 pretrial examiners, at \$15,000.....	45,000
1 stenographer, GS-7.....	5,355
2 clerk-typists, GS-5.....	8,600
1 deputy clerk, GS-7.....	5,355
1 law clerk, GS-7.....	5,355

Total, personnel compensation.....	87,255
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Personnel benefits:

Retirement.....	5,672
Life insurance.....	296
Health benefits.....	577

Total, personnel benefits.....	6,545
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Total, personal services and benefits.....	93,800
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The sum of \$6,200 is also included under the appropriation item "Travel and miscellaneous expenses" to provide equipment and furniture and to cover such expenses as communications, printing, supplies, etc. The cost of equipment and furniture is, of course, nonrecurring.

Within-grade salary advancements

All of the personnel provided for by this appropriation, with the exception of 377 officers and employees serving in ungraded positions at rates fixed by the Judicial Conference (including clerks of court, court reporters, and national park commissioners) are subject to the promotional plan for judicial personnel and will be granted step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended.

It is estimated that these within-grade salary advancements will cost \$357,600, of which \$334,800 represents increases in compensation and \$22,800 related benefits—agency contributions to the civil service retirement fund and for group life insurance. The estimate which represents 80 percent of the full potential cost of step increases is net of anticipated savings due to turnover of personnel and the filling of vacancies at lower rates of pay.

Request for additional deputy clerks

The sum of \$117,500 is requested in this appropriation for the employment of an additional 25 deputy clerks in grade GS-5 at \$4,345 per annum. The estimate includes \$108,600 for personnel compensation and \$8,900 for related benefits—agency contributions to the retirement fund, for group life insurance, and health benefits. In addition to the amount required for compensation and benefits, the sum of \$21,750 is included under the appropriation "Travel and miscellaneous expenses" to provide the new deputy clerks with furniture and equipment and to cover such miscellaneous expenses as communications, printing, supplies, etc.

The request for an additional 25 deputy clerks coupled with the request (included below) for an assistant librarian for the U.S. Court of Appeals for the District of Columbia will increase the number of positions authorized for clerks' offices from 1,275 to 1,301, an increase in man-hours of only 2 percent.

The need for the additional deputy clerks is due primarily to a substantial increase in the number of applications for passports which the clerks' offices are required to process and the extremely heavy volume of bankruptcy cases. An increase in the volume of petitions for naturalization is also a contributing factor.

The number of bankruptcy cases filed in fiscal year 1960 reached another all-time peak of 110,034, an increase of 9.3 percent over the total (100,672) filed in 1959. If the current trend continues, filings in 1962 will exceed 130,000.

The district courts during 1960 processed 222,141 passport applications as compared with 197,828 in the previous year, an increase of 24,313 applications or 12 percent. Based on a forecast of the Passport Office of the State Department, the courts may be expected to process approximately 250,000 such applications in 1961 and over 280,000 in 1962.

Petitions for naturalization also increased, rising by 17 percent to 97,972 in 1960, compared with 83,704 a year earlier. The number of aliens actually naturalized showed a slightly larger percentage increase to 92,314 from 78,053 in the previous year.

Partial relief was afforded by the grant of funds for the employment of 25 additional deputy clerks for 1961, however, this has not been sufficient to meet the great need for extra help. The staffs in many instances are unable to handle the business with the care and thoroughness that are requisite. With the unprecedentedly high volume of foreign travel, the all-time high in bankruptcy filing and the increase in naturalization proceedings, the staffs of the clerks' offices in many instances have had to put in overtime for which they receive no additional compensation. There is every indication that the current trend will continue and for that reason it is imperative that additional personnel be provided for the clerks' offices.

Assistant Librarian, District of Columbia Court of Appeals

In addition to the 25 new deputy clerk positions requested above, the sum of \$5,760 (\$5,355 compensation and \$405 benefits) is included for the employment of an assistant librarian (grade GS-7) for the U.S. Court of Appeals for the District of Columbia. The sum of \$850 also is included under the appropriation "Travel and miscellaneous expenses" to provide equipment and furniture, and for such incidental expenses as communication, supplies, etc.

The library, with 22,000 books, 21 sets of law reviews, 18 looseleaf legal services and slip opinions from 17 courts and agencies, is being operated by one librarian, with no assistant. The demand for library service, by the judges of the court of appeals and the district court including senior judges and judges assigned to sit in either of the two courts as well as their secretaries and law clerks, cannot be met promptly and efficiently by a librarian. In the absence of the librarian, even for short periods during the workday, no one is available to serve the needs of the judges and their staffs or to answer the telephone.

Additional probation officers

The sum of \$173,800 is included for 30 additional probation officers, \$161,300 for personnel compensation and \$12,500 for related agency contributions to the retirement fund, for group life insurance and health benefits. The sum of \$44,150 also is included under the appropriation "Travel and miscellaneous expenses" for the nonrecurring expense of providing the new officers with equipment and furniture and to cover their expenses of travel, communications, supplies, etc. The amounts requested have been calculated on the basis of the officers serving for an average of only 10 months in fiscal year 1962.

This is a renewal of the request made last year and in the previous year to increase the number of probation officers so as to keep the average caseload within reasonable proportions. The addition of 30 officers to the roll will increase the number of authorized positions from 506 to 536 and will reduce the average caseload to approximately 80. The benefits resulting from the reduction of the average caseload from 117 in 1955 to 84 at the close of fiscal year 1960 are clear.

The quality of presentence investigation reports and supervision has improved considerably as a result of the reduction in the average caseload per officer. Among some of the accomplishments realized have been the following: (1) more comprehensive investigations; (2) more constructive planning for persons placed under supervision; (3) increased use of psychiatric and psychological consultation both during the presentence investigation and during supervision; (4) more time for counseling and guidance; (5) fuller use of cooperating agencies in resolving special problems and needs of those under supervision; (6) improved social services to penal and correctional institutions and to the families of inmates; (7) greater attention to job-finding and job-placement; (8) increased participation in release planning and preparation at the institution prior to return of the inmate to the community; and (9) increased opportunity to take part in inservice training programs.

Federal judges are making greater use of presentence investigations. In 1960 they required almost 3,000 more investigations than in 1955. Investigations were made on approximately 87 percent of convicted offenders in 1960, compared with only 78 percent in 1955. The rate of granting probation has increased from 38 percent in 1955 to 41 percent last year. It is significant that during this same period the number of defendants committed to prison has declined, with a substantial resulting economy.

Probation officers also are able to give better supervision to persons on parole, and, even more important, greater attention to the supervision of juvenile and youth offenders as is contemplated by the Juvenile Delinquency and Youth Corrections Acts. Exhibits H through M show the number of probation officers and the volume of work for fiscal years 1951 through 1960.

Additional clerk-stenographers for probation officers

Funds were requested for fiscal year 1961 to employ 20 additional clerk-stenographers; 7 of the 20 positions requested were allowed. The 1962 estimate includes a request for the 13 positions which were not allowed in 1961 in order that the new officers may be provided clerical assistance.

The sum of \$47,700 (\$44,000 compensation, \$3,700 benefits) is needed for the employment of 13 clerk-stenographers for an average of only 10 months in 1962. In addition to the amount required for personal services and benefits, \$12,850 is included under the appropriation "Travel and miscellaneous expenses" with which to provide furniture and equipment, and to cover such miscellaneous expenses as communications, printing, supplies, etc.

Additional court reporters

The budget estimate includes a request for funds sufficient to employ three additional full-time permanent court reporters at the maximum statutory salary of \$7,630 per annum. The sum of \$22,900 is needed for compensating the reporters and \$1,800 for related agency contributions to the retirement fund, for group life insurance and health benefits, or, a total of \$24,700. In addition, \$900 is included under the appropriation "Travel and miscellaneous expenses" for travel expenses the court reporters may incur incident to the performance of their official duties.

Section 753 of title 28, United States Code, provides that "Each district court of the United States shall appoint court reporters in such numbers as shall be determined by the Judicial Conference of the United States." The Judicial Conference at the March 1960 session, based on recommendations contained in a joint report of the Committee on Supporting Personnel and the Committee on Court Administration, authorized the three additional reporters, one each for the U.S. District Court for the Southern District of New York, the Southern District of California, and the Southern District of Florida.

The additional reporters are needed primarily to serve senior judges who continue to perform substantial judicial duties. Prior to the action taken by the Judicial Conference, there were 249 authorized court reporter positions, or 1 reporter for each U.S. district judge, with the exceptions of the U.S. District Court for the District of Columbia (15 judgeships—20 reporters) and the U.S. District Court for the District of Delaware (3 judgeships—2 reporters).

Clerical assistants for U.S. commissioners

Under section 633(c) of title 28, United States Code, U.S. commissioners who are required to devote full time to the performance of the duties of their office, as determined by the Director of the Administrative Office of the U.S. Courts, shall be allowed a clerical assistant. The U.S. Commissioner for the District of Columbia, however, under section 403 of the District of Columbia Law Enforcement Act of 1953 (section 332 of title 11, District of Columbia Code) may employ secretarial and clerical assistants in such number as the district court considers necessary.

At the present time there are three U.S. commissioners who have been authorized to employ clerical assistants. The U.S. Commissioner for the District of Columbia is authorized to employ two assistants and one each has been authorized for a U.S. commissioner in the southern district of California and a U.S. commissioner for the southern district of New York.

It has been determined that three additional commissioners meet the qualifications and based on the volume of business they are required to handle, justify the employment of clerical assistants. It is, therefore, requested that an additional sum of \$15,740 (\$14,540 compensation and \$1,200 benefits) be provided in this appropriation so as to permit the employment of three clerical assistants in grade GS-6 at \$4,830 per annum. The sum of \$3,350 is also included under the appropriation "Travel and miscellaneous expenses" to cover the actual and necessary office expenses of the commissioners.

National park commissioner

The U.S. District Court for the District of Arizona, pursuant to Public Law 86-258, appointed a special commissioner for the Grand Canyon National Park. The salary of the special commissioner has been fixed at \$6,400 per annum which is the same salary that is paid to the national park commissioners in the large national parks. It therefore is requested that the additional sum of \$6,900 (including \$500 for related benefits) be provided in this appropriation. The sum of \$550 also is included under the appropriation "Travel and miscellaneous expenses" to cover his incidental expenses.

Additional law clerks and secretaries to judges

It is requested that the sum of \$75,000 (\$69,800 compensation and \$5,200 related benefits) be provided to permit the employment of additional full-time and part-time law clerks and secretaries to judges. The amount requested represents an equivalent of approximately 13 full-time positions at the entrance salary of grade GS-7—\$5,355 per annum.

The need for additional law clerks and secretaries is due primarily to the extremely heavy caseload in many of the district courts. The administrative duties of the chief judges, particularly in the multiple judge courts, very definitely are contributing factors. Also, judges who are serving the various Judicial Conference committees find a need for additional secretarial services. In some cases, the need for an additional secretary stems from the fact that the judge must operate two or more offices.

The administrative office has very carefully reviewed requests from judges for additional personnel, taking into account the various factors mentioned, and has established that the sum of \$75,000 requested herein, will provide relief in those districts where the need is most urgent. The aggregate salaries of law clerks and secretaries to any one judge will not, as a result of the addition to his staff, exceed the dollar limitation contained in the language of the appropriation.

Additional funds for temporary employment

It is requested that an additional \$102,600 be provided in 1962 for temporary employment as follows:

Clerks' offices.....	\$30,000
Probation offices.....	20,000
Court reporters.....	30,000
Secretaries and law clerks.....	20,000
Total personnel compensation.....	100,000
Personnel benefits.....	2,600
Total personal services and benefits.....	102,600

During fiscal year 1960, every effort was made to hold temporary employment to a minimum; however, notwithstanding such efforts, the total actual expenditure for temporary employment was just below \$200,000. The sum of only \$150,000 is currently available in the base appropriation for this purpose. It is imperative that additional funds be provided in order that the judges, the clerks of court, and probation officers may employ substitute or additional personnel in emergency situations.

Temporary employment—Clerks' offices

The sum of \$30,000 is currently available in the base appropriation for the employment of temporary deputy clerks. It is requested that the allotment be increased to \$60,000.

During fiscal year 1960, approximately \$48,000 was expended for the employment of temporary deputy clerks. Despite every effort to hold expenditures to a minimum, the amount available was insufficient. In order to absorb the deficiency, it was necessary to delay the filling of vacancies and place other restrictions on employment. Such actions have and will continue to impair the efficient operation of the clerks' offices.

Temporary employment—Probation offices

It is requested that the allotment for temporary employment of clerk-stenographers for probation offices be increased from \$20,000 to \$40,000. During 1960 approximately \$28,000 was expended for this purpose, or \$8,000 in excess of the amount allotted. In the event of an extended illness (including maternity leave) of a clerk-stenographer to a probation officer, particularly in the case of a one-man office, it is imperative that he be authorized to employ a substitute stenographer. The amount available is sufficient to employ temporary stenographers equivalent to five full-time positions. The increase requested would permit the employment of temporary stenographers equivalent to 10 full-time positions. On the basis of 360 authorized clerk-stenographer positions, the requested allotment of \$40,000 would permit the employment of substitute stenographers for an equivalent of approximately 7 days of service for each full-time permanent position.

Temporary court reporters

In 1960 approximately \$70,000 was expended for the employment of temporary court reporters for periods not exceeding 3 months in accordance with the provisions of 28 U.S.C. 753. The temporary reporters were engaged primarily to serve visiting judges, senior judges, and in land condemnation proceedings. In some instances, reporters were employed on a temporary basis to substitute for a regular reporter absent due to extended illness. Temporary reporters are employed either on a salaried basis for a definite period, or on a "when actually employed" per diem basis. It is estimated that \$90,000 will be required for the services of temporary reporters in fiscal year 1962, or \$30,000 more than is currently available in the base appropriation.

Temporary secretaries and law clerks to judges

It is requested that the allotment for emergency temporary employment of law clerks and secretaries be increased from \$30,000 to \$50,000. The additional amount requested is required primarily to provide legal and administrative assistance to senior judges who continue to perform substantial judicial service. It is also needed to provide some relief to judges who currently are faced with extremely heavy caseloads. The increase of \$20,000 will permit the employment of temporary secretaries and law clerks equivalent to four full-time positions.

Salary adjustments—Court criers

The Judicial Conference of the United States at its March 1960 session, based on a recommendation contained in a joint report of the Committee on Supporting Personnel and the Committee on Court Administration, approved the change in the classification of court criers from grade GS-4 to grade GS-5. The Judicial Conference approved the reclassification of criers subject to the availability of funds.

At the present time there are 211 authorized crier positions on the roll. Since many criers have already completed all possible within-grade promotions and others have reached the final longevity step in grade GS-4, the increases in salary resulting from the reclassification of the positions will average only \$130 each. It is estimated that \$30,000 (\$28,000 compensation and \$2,000 related benefits) will be required, net of within-grade salary advancements which would otherwise be granted.

Salary adjustments—Deputy clerks in charge of divisional offices

The Judicial Conference at its March 1960 session approved the following resolutions:

"Resolved, That there shall continue to be grade differentials in the positions of deputy clerks in charge of divisional offices; that the present grade GS-10 ceiling for deputy clerks as provided by the classification plan for clerk's offices of district courts shall be raised to provide a special ceiling of grade GS-11 for deputy clerks in charge of the larger independently operated divisional offices and that wherever warranted comparable grade raises shall be approved for deputies in charge of other (smaller) independent offices, proportionately scaled downward from the new ceiling of grade GS-11; * * *"

The action taken by the Conference was based on a study conducted by the Administrative Office which revealed that due to the wide geographical dispersion of the districts and their divisional offices, the diversity in size, volume of work, and organization of such offices, there is considerable variance in their operational procedures and in their independence of the headquarters office. This is reflected in a variation in the degree of responsibility of the deputies in charge. It was found, for example, that some offices are primarily transmittal offices—offices which accept case filings but forward the papers and fees in that respect to the headquarters office where the dockets, case files, and other pertinent records are maintained, with the deputy in charge having little responsibility; whereas other offices were found to be as independent of the headquarters office as they could be in that complete records (except certain control records) are maintained at those particular offices, with the deputy in charge naturally being required to assume and discharge significant responsibilities.

Grade differentials in the positions of deputy in charge of divisional offices now exist based on such factors as (1) the duties and responsibilities of that deputy, (2) the volume of business handled by his office, (3) the number of resident judges in the division, if any, and (4) the size of the staff required to operate the office.

Deputy clerks in charge of divisional offices which operate quite independently of the headquarters office often represent the clerk himself and they make decisions that he would otherwise be required to make. The responsibilities of such positions in the larger divisional offices are greater than those of chief deputy clerks in small districts and chief deputies in large districts such as, for example, heads of civil or criminal divisions and financial clerks), now classified in grade GS-10 under the classification plan, but not as great as those of chief deputy clerk in the more active medium districts now classified in grade GS-12 under the plan.

There are approximately 150 deputy clerks in charge of divisional offices with staffs ranging from 1 employee to as many as 12 who would be reclassified on the basis of the resolution of the Judicial Conference. It is estimated that \$53,400 (\$50,000 compensation and \$3,400 related benefits) will be required net of within-grade salary advancements which would otherwise be granted. The salary increases due to the reclassifications will average a little over \$300.

Salary adjustments—secretaries to judges

The sum of \$30,000 (\$28,000 compensation and \$2,000 related benefits) will be required to adjust the salaries of senior administrative secretaries to judges under new qualification standards which were approved by the Judicial Conference of the United States at its September 1960 session. The cost estimate is net of within-grade salary advancements which would otherwise be granted.

The present standards for secretaries, grades GS-9 and GS-10, are identical, except that to qualify for grade GS-10 additional years of a specific type of experience are required; i.e., at least 10 years of experience as secretary to a Federal judge. This requirement tends to make grade GS-10 comparable to a longevity increase. Technically, it is not a longevity step increase, for it is the base pay in a new grade which provides periodic step increases and ultimately for a longevity step increase.

A check of certain departments and independent establishments in the Federal service was made to determine the grades of secretaries to the top officials in these establishments. The following were surveyed: Department of Justice, Department of Agriculture, Department of Commerce, Treasury Department, Department of the Interior, National Labor Relations Board, Atomic Energy Commission, Federal Communications Commission, Bureau of the Budget, General Services Administration, and U.S. Civil Service Commission. The range of secretarial grades to top officials in these activities was from GS-9 to GS-12. The Judicial Conference, based upon this survey and the consideration mentioned, approved the following qualification standards for senior administrative secretary, GS-10:

"Experience: At least 6 years of experience as a secretary, of which at least 5 years must have been as a legal secretary involving duties which demonstrate the ability to take rapid dictation and a thorough knowledge of legal terminology. One of these 5 years must have been as secretary to a Federal judge at grade GS-9. Substitutions or equivalents will not be acceptable for this requirement. There must also have been demonstrated the ability to perform or supervise the assembling of technical data and the ability to conduct such correspondence as may be assigned by the judge.

"Substitution: 1. Study successfully completed in an accredited academic institution above high school level may be substituted for a maximum of 3 years of experience on the basis of 1 year of study for 9 months' experience. However, this substitution may not be made for over 2 years of the 5-year requirement as a legal secretary.

"Substitution: 2. Study successfully completed in law in an accredited law school may be substituted on the basis of 1 academic year of study for 1 year of experience for a maximum of 3 years. This substitution may not be made for over 2 years of the 5 years' requirement as a legal secretary."

Approximately 175 secretaries to judges who are presently serving in grade GS-9 will be eligible for promotion to grade GS-10 under the standards approved by the Judicial Conference.

Salary adjustments—deputy clerks of courts of appeals

It is estimated that \$25,000 (\$23,400 compensation and \$1,600 related benefits) will be required to place into effect the qualification standards for deputy clerks and other personnel in the offices of the clerks of the U.S. courts of appeals, which were approved by the Judicial Conference of the United States at its September 1960 session, subject to the availability of funds.

Under the standards approved by the Judicial Conference, the clerks' offices of the courts of appeals shall be classified as large, medium, and small for the purpose of grading the (key) positions of chief deputy and senior deputy clerk in each office. For the purpose of placing the offices into the three categories, the following standards apply:

"LARGE OFFICE

"A clerk's office of a circuit which has six or more circuit judges authorized and in which there are filed an average of more than 400 cases a year and for which a staff of seven or more employees is authorized to handle the work.

"MEDIUM OFFICE

"A clerk's office of a circuit which has 5 or more circuit judges authorized and in which there are filed an average of less than 400 cases a year and for which a staff of 5 or more employees is authorized to handle the work.

"SMALL OFFICE

"A clerk's office of a circuit which has 4 or fewer circuit judges authorized and in which there are filed an average of less than 300 cases a year and for which a staff of 5 or fewer employees is authorized to handle the work."

Under the standards, positions of chief deputies in large offices would be classified in grade GS-13; for the medium offices, in grade GS-12; and in the small offices, grade GS-11. Senior deputy clerks would be classified in grades GS-10, GS-9, and GS-8, respectively. All other supporting positions (deputy clerks and clerical assistants) will be classified in grades GS-7, GS-6, and GS-5 depending upon the duties and degree of responsibility assigned to each position. Trainees would be classified in grade GS-4 and upon completion of a period of instruction and training would be reclassified to grade GS-5 upon recommendation.

Under the terms of the present classification plan, the chief deputies of all courts of appeals, except the District of Columbia, are classified in grade GS-11 with no distinction being made for the number of circuit judges served by the clerk's office, the size of that office, its organizational arrangement, or the volume of cases filed. The senior deputy clerks in each circuit are classified in either grade GS-9 or grade GS-7. The plan provides for the remaining positions (deputy clerks and clerical assistants) to be classified in grades GS-6, GS-5, and GS-4. It has been concluded that in classifying the more responsible positions in each clerk's office such factors should be taken into consideration. It is believed that the new standards will provide a more equitable basis for classifying deputy clerks in the courts of appeals.

Salary adjustments—librarian position in the courts of appeals

A recent study of the positions which exist in the libraries of the courts of appeals revealed that wide variations exist throughout the country in the size of the libraries and the conditions under which libraries must be maintained. Thus, in some of the metropolitan centers where large libraries have been accumulated, it may be necessary to have not only a librarian but an assistant librarian and library attendants as well. The other extreme is represented in some circuits where the court sits in three or more places, where libraries are scattered, and where the need may be in some instances for no more than a library attendant.

The present range of grades for librarian positions in the libraries of the courts of appeals is from GS-3 to GS-9. There is no provision, however, for positions in grades GS-5 or GS-6. The record indicates that the positions of library attendant and library clerk have been considered to be subprofessional with professional positions in the librarian series beginning in grade GS-7. This has left a hiatus between grades GS-4 and GS-7. In the absence of grades 5 and 6, recommendations to promote library clerks and library attendants have not been acted upon for the reason that promotion from grade GS-4 to GS-7 has been considered unjustifiable. There also has been a need for a professional librarian classification beyond grade GS-9. After a review of position descriptions and statements of experience and educational qualifications of employees occupying positions in the libraries of the courts of appeals, and on the basis of data obtained from the Supreme Court, the Department of Justice, the Court of Military Appeals, a number of private law firms, and position and qualification standards from the U.S. Civil Service Commission, it has been determined that grades GS-5, GS-6, and GS-11 should be added to the schedule of the librarian series for the courts of appeals. Under this schedule, the positions in grades GS-3, GS-4, GS-5, and GS-6 are considered to subprofessional. In allocating these positions, the primary grade determining factors are (1) the nature and extent of the services rendered, (2) the scope and coverage of the collection service, (3) the degree of responsibility of the various duties performed, (4) the purpose and nature of person-to-person relationships, (5) the nature and extent of supervisory control over other personnel, (6) the qualifications of the incumbent, (7) the location of the position in the organization, and (8) the nature and extent of the supervision exercised.

Each court under the plan would be authorized one professional position in either grade GS-9 or GS-11 to be occupied by a qualified employee. The grade would be determined by the recommendation of the judge, the duties and responsibilities involved, and the criteria listed above. The incumbent of this position would be responsible to the court for the administration of the library or libraries.

The Judicial Conference at its September 1960 session approved the revised classification standards and grades for librarians of the U.S. courts of appeals. It is estimated that the sum of \$9,000 will be required for this purpose, of which \$8,450 is for personnel compensation and \$550 is for related benefits.

INCREASES REQUESTED FOR 1962

Mr. ROONEY. The request is in the amount \$24,862,000, which would be an increase of \$2,777,000 over the amount appropriated to date for the current fiscal year. The list of increases requested is to be found beginning at page 90 of these justifications.

Mr. Olney and gentlemen—Judge Campbell, I guess you are in this as far as the Judicial Conference is concerned.

Judge CAMPBELL. As to the judges part of it, the personnel of the judiciary, as distinguished from the Administrative Office. This is all judiciary, is it not?

ADDITIONAL DEPUTY CLERKS

Mr. ROONEY. Of course. We find under item 5 on page 90, 25 additional deputy clerks, \$117,500. How many additional deputy clerks have you received in this fiscal year?

Judge CAMPBELL. I think we received a substantial number last year; 25, to be exact.

ADDITIONAL PROBATION OFFICERS

Mr. ROONEY. It would appear in item 7 that you want 30 additional probation officers at a cost of \$173,800.

Judge CAMPBELL. Yes.

Mr. ROONEY. Now I am looking at exhibit H in the back of the book, from which it would appear that at this time when you want 30 additional probation officers, the number of persons under supervision of probation officers decreased in the past fiscal year from the year before. Is that correct?

Judge CAMPBELL. Slightly. About 250, I think. I do not think that decrease is sufficient—

Mr. ROONEY. 259, to be exact.

Judge CAMPBELL. 259, correct.

Mr. ROONEY. If a figure like that does not mean so much, let us take a comparison between 1951 and 1960. The difference between those years in the number of persons under supervision is about 2,600.

Judge CAMPBELL. That is correct.

Mr. ROONEY. How many probation officers did you have in 1951?

Judge CAMPBELL. 310.

Mr. ROONEY. How many did you have in 1960?

Judge CAMPBELL. 506.

Mr. ROONEY. At a time when you seek 30 additional probation officers, I would gather from looking at your exhibit H that the number of persons investigated and supervised has decreased in 1960 from 1959, and that the 1960 figure is also lower than the 1958 figure.

Judge CAMPBELL. That is correct.

Mr. ROONEY. How many additional probation officers did you get in 1958?

Judge CAMPBELL. We did not get any last year. We had 487 in 1958, Mr. Chairman.

Mr. ROONEY. You had more persons investigated and supervised then than you did in the just closed fiscal year, to wit, 1960, at which time you had 506 probation officers.

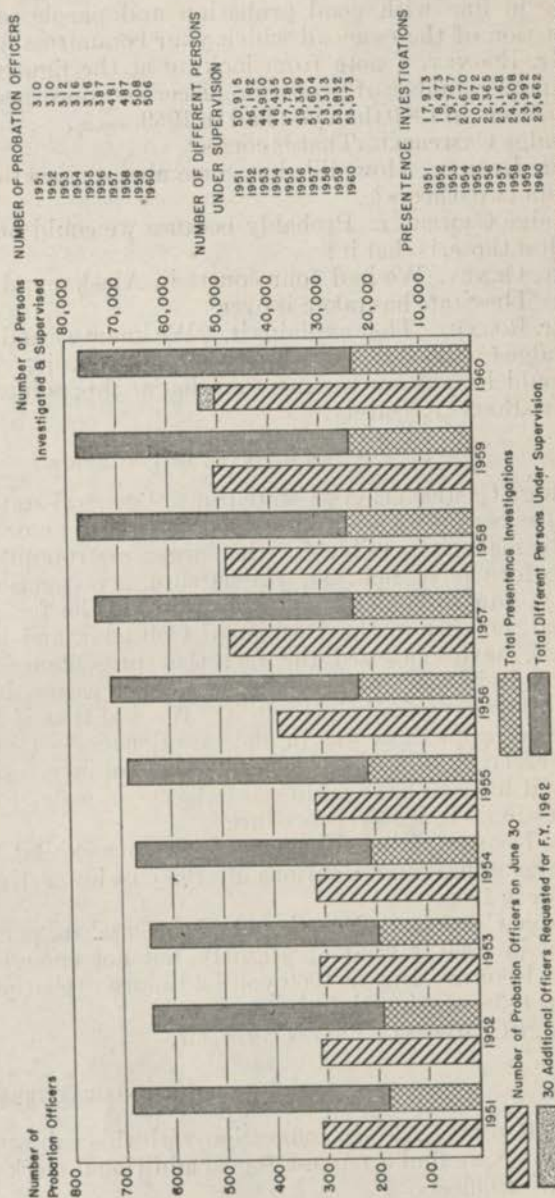
Judge CAMPBELL. That is correct, sir.

Mr. ROONEY. It might be well if we inserted exhibit H at this point in the record.

(The document referred to follows:)

EXHIBIT H

NUMBER OF FEDERAL PROBATION OFFICERS AND NUMBER OF PERSONS INVESTIGATED
AND SUPERVISED, FISCAL YEARS 1951 TO 1960, AND ADDITIONAL
PROBATION OFFICERS REQUESTED FOR FISCAL YEAR 1962



SOURCE: ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Judge CAMPBELL. The caseload has gone down, too, proportionately. In 1958 we had a greater caseload, and of course in 1951 a greater caseload per officer, which was considered not good practice. We are more in line with good probation and parole practice now by the reduction of the caseload which your committee has made possible.

Mr. ROONEY. I note from looking at the figures in this exhibit H insofar as number of probation officers is concerned, that you had two less officers in 1960 than you had in 1959.

Judge CAMPBELL. That is correct.

Mr. ROONEY. How did that come about, since the Congress did not cut out two officers?

Judge CAMPBELL. Probably because we could not fill the positions. We lost those, is that it?

Mr. OLNEY. We had four courts in Alaska, and now we have only one. The State has taken it over.

Mr. ROONEY. That explains it. We knew we had not cut it.

Judge CAMPBELL. For which we thank you, sir.

Could I make one comment on that at this point, Mr. Chairman?

Mr. ROONEY. Surely.

PRESENTENCE INVESTIGATION

Judge CAMPBELL. As I stated in my general statement at the opening, the reason we are asking for these officers now is that we are trying to make it possible for the larger metropolitan districts, which heretofore have not had presentence investigation in all pleas of guilty, now to be able to get them due to the fact that the courts of appeal, notably in the District of Columbia and also in the seventh circuit, have criticized the fact that presentence investigations are not made in most pleas of guilty. The reason they are not is that we do not have the help to do it. We feel that if the practice of the courts of appeal, as was in one case done, of setting aside a sentence and referring it back and ordering such an investigation, is continued, we will have to have additional officers in order to comply with this suggestion. It is good procedure.

Mr. ROONEY. It would appear from your exhibit H that the number of presentence investigations in 1960 is lower than the number in 1959 or in 1958.

Judge CAMPBELL. Yes, sir. And the caseload per officer went down, except in 1960 it went up slightly, but not enough to be significant.

Mr. ROONEY. But in 1960 you had more probation officers than you had in 1958. Is that right?

Judge CAMPBELL. That is right, sir.

ADDITIONAL CLERK-STENOGRAPHERS

Mr. ROONEY. Also in connection with this subject of probation, under item 8 we find a request for 13 additional clerk-stenographers for probation officers.

Judge CAMPBELL. Yes. They will be needed if we are given the officers, in order to prepare and type the reports and make them available to the court in these pleas of guilty cases in the larger districts.

Mr. ROONEY. How many additional clerk-stenographers did you receive in this fiscal year?

Judge CAMPBELL. Seven, Mr. Chairman.

PERCENTAGE INCREASE IN SALARIES OF SUPPORTING PERSONNEL SINCE 1953

Mr. ROONEY. It seems that the cost of this item for salaries of supporting personnel, according to the summary at page 156 of the committee print, has increased over 100 percent. It was \$12 million plus in 1953 as compared with the present request of \$24,862,000. Is that correct?

Judge CAMPBELL. I do not have the committee print, but I would say, generally speaking, that is correct, sir. There has been that increase.

CRIMINAL CASES COMMENCED

Mr. ROONEY. This at a time when we are confronted with all these requested increases, totaling over a million dollars, and with the number of criminal cases commenced in 1953 practically the same as the number in 1960; is that correct?

Judge CAMPBELL. I think that is substantially correct.

Mr. ROONEY. Approximately?

Judge CAMPBELL. Yes.

Mr. ROONEY. As a matter of fact, in 1953 there was far more work in criminal cases commenced because the number of immigration cases was substantially more in 1953 than in 1960. Is that right?

Judge CAMPBELL. That is correct.

Mr. ROONEY. That is shown in exhibit D, included in this justification.

Judge CAMPBELL. Yes, sir; it is.

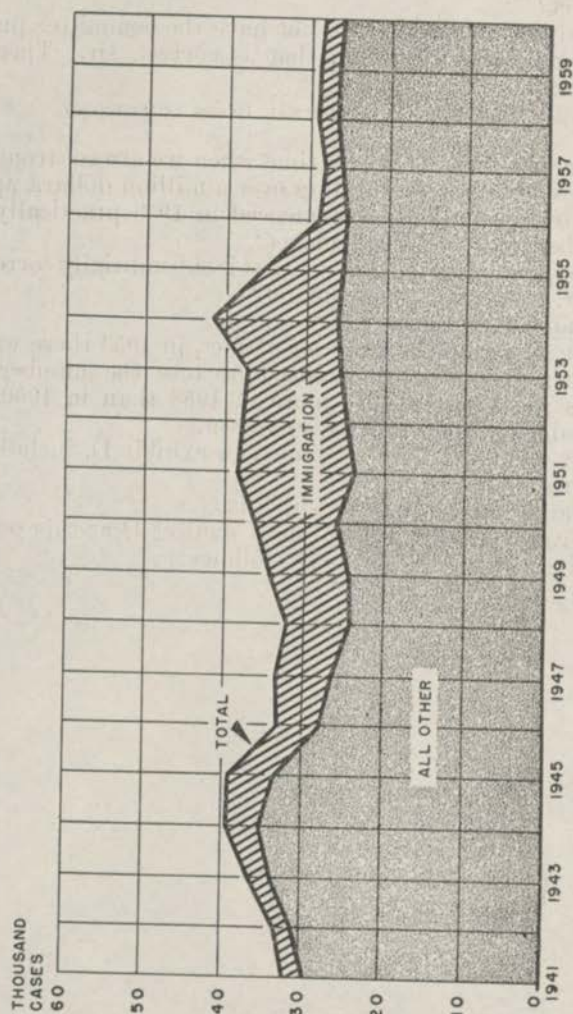
Mr. ROONEY. We shall insert exhibit D at this point in the record. (The document referred to follows:)

EXHIBIT D.

DISTRICT COURTS

CRIMINAL CASES COMMENCED

FISCAL YEARS 1941-1960



Source: Administrative Office of the United States Courts

Mr. ROONEY. We can look at exhibit D and see that criminal cases in 1960 are far below the number of criminal cases in 1943, 1944, and 1945.

Judge CAMPBELL. Yes, substantially.

CIVIL CASES COMMENCED

Mr. ROONEY. Now let us take civil cases.

Judge WEINMAN. May I call your attention to the fact that in 1943, 1944, and 1945, the judges had more time to try criminal work because civil work, because of the war, dropped way down.

Mr. ROONEY. What are you trying to prove, Judge?

Judge WEINMAN. They had more time at that time to do the criminal work that you are talking about, when you say it was greater then than it is now. The civil work at that time, for those that were in courtwork in the forties during the war, dropped off to almost nothing because people were in the Army, and we did not have as much trial work then. You had more opportunity or time to try criminal work.

Mr. ROONEY. Let us look at the civil cases as shown on exhibit B, which we shall also insert in the record, civil cases commenced.

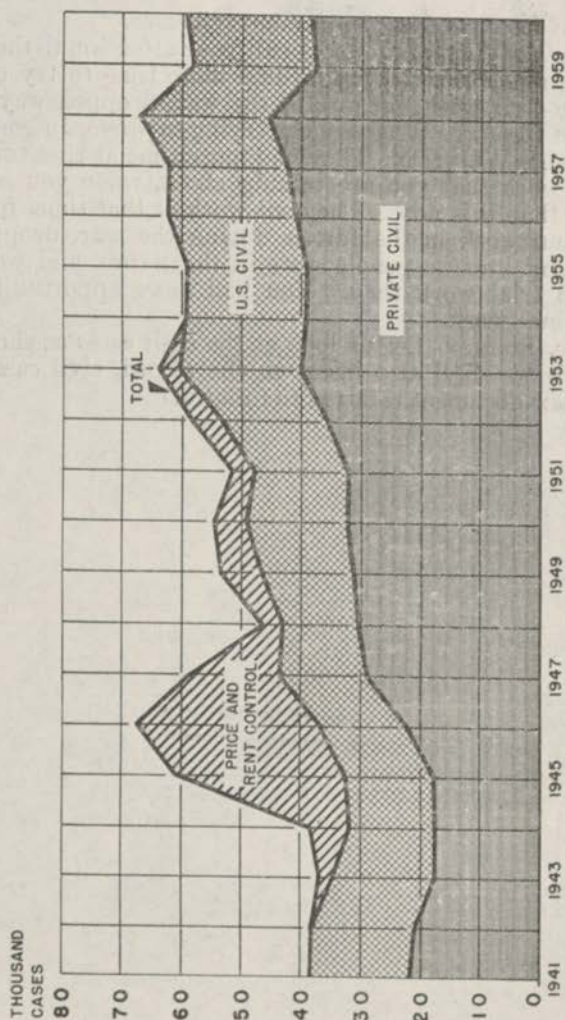
(The document referred to follows:)

EXHIBIT B

DISTRICT COURTS

CIVIL CASES COMMENCED

DURING THE FISCAL YEARS 1941-1960



Source: Administrative Office of the United States Courts

Mr. ROONEY. What was the number of civil cases commenced in 1958 fiscal year?

Judge CAMPBELL. 67,115.

Mr. ROONEY. That compares with how many in 1960?

Judge CAMPBELL. 59,284 in 1960.

Mr. ROONEY. And the number of civil cases commenced in 1957 and 1956 were higher than the number commenced in 1960. Is that correct?

Judge CAMPBELL. They were.

Mr. ROONEY. As a matter of fact, Judge Campbell, with regard to private civil cases, they were at a lower number last year than they have been in 7 years, is that right, since 1953?

Judge CAMPBELL. Since 1953, that is correct. They were lower than they have been, with the possible exception of 1955. No, that would be lower, too; 1953 is correct, Mr. Chairman.

Mr. ROONEY. Practically the same situation applies with regard to U.S. civil cases over the same period.

Judge CAMPBELL. Substantially so.

Mr. ROONEY. He spoils my case all the time. He always agrees with us.

Judge CAMPBELL. Thank you.

ADDITIONAL LAW CLERKS AND SECRETARIES

Mr. ROONEY. We will now look at item 12 of these justifications. We find included herein \$75,000 for additional law clerks and secretaries to judges. We have not had any new judges in the past year, have we?

Judge CAMPBELL. No, sir; we are requesting this for judges who are carrying a heavy workload and where the output, in the opinion of the budget committee of the Judicial Conference, of these judges can be increased by the employment of this help. In many instances where a full-time person, such as a law clerk, was requested, we have suggested that if a part-time one could be secured it would be a saving of money. That has worked out.

Mr. ROONEY. Does this have any connection with Public Law 86-221 that we discussed at considerable length last year?

Judge CAMPBELL. I can assure you, Mr. Chairman, that it is completely independent of that.

Mr. ROONEY. Is there anything in this budget that has anything to do with that Public Law?

Judge CAMPBELL. No, sir; and insofar as these positions are concerned, I personally followed the law as it existed prior to the one to which the chairman refers and secured in each instance the permission of the chief judge of the court of appeals involved where a law clerk was requested by any district judge, so that law was not at all referred to by our budget committee in compiling this request.

TEMPORARY EMERGENCY EMPLOYMENT

Mr. ROONEY. What are the details of item 13, increase in the allotments for temporary emergency employment, \$102,600?

Judge CAMPBELL. Part of that is due to a survey that I had made of the clerk's office in my district, which I will refer to when you get

to the item of "Travel and miscellaneous expenses." Part of it also is due to employees who were brought in with reference to bankruptcy overload.

BANKRUPTCY WORK

Mr. ROONEY. What would bankruptcy have to do with this? I thought we had not yet gotten to bankruptcy.

Judge CAMPBELL. I mean in the clerk's offices, which we are now changing, for example, in the northern district of Illinois where we are taking out of our clerk's office even the files and putting them in the referee's offices.

Mr. ROONEY. I do not understand why you would have in here anything to do with bankruptcy because bankruptcy is supposed to pay for itself.

Judge CAMPBELL. It does if we charge it against that, sir, but this is temporary work.

Mr. ROONEY. This is not the referees' salaries or expenses?

Judge CAMPBELL. No, sir; it has nothing to do with that, but we do use temporary help in the clerks' offices where the clerk has to do the filing of bankruptcies before they go to the referees. These clerks come under this part of the appropriation and not the bankruptcy. These are clerks of court and not referees' clerks.

Mr. ROONEY. What do these additional bankruptcy clerks do? I think we allowed 60 additional clerks in bankruptcy last year or, rather, in the current year.

Judge CAMPBELL. Those are attached to referees.

Mr. ROONEY. I noticed testimony a couple days ago, together with Mr. Bow, where they wanted 120 more clerks in connection with bankruptcies.

Judge CAMPBELL. That is correct. Those are in connection with referees' offices. Only \$30,000 of the items represented in this total of \$102,000 has to do with temporary help in the offices of the clerks of court. Part of the work of the clerk of the court is reflected in the increased number of bankruptcy filings for which he must receive and collect fees, refund the appraisers' fees when they are not used, and also trustees' fees when they are not used.

I just stopped that practice in the northern district of Illinois because we have these temporary clerks and some permanent ones working until 11 o'clock at night, mailing back these checks where there was no trustee appointed.

It is a tremendous amount of clerical work on clerks of the court over and above the work done by the bankruptcy department and referees' clerks.

Mr. ROONEY. How much do you have in your budget for additional funds for temporary employment?

Mr. ANDERSON. \$140,000 is the figure.

Mr. ROONEY. You want to up that to \$242,600, is that right?

Mr. ANDERSON. That is this request; yes, sir.

Judge CAMPBELL. Yes, sir. On page 122, we tried to break it down. Some is for probation officers, some for court reporters, some for secretaries and law clerks. That is in cases of illness and disability.

RECLASSIFICATIONS

Mr. ROONEY. Among the other things the Judicial Conference recommends by way of increasing the taxpayers' cost in running the courts, we find items 14 through 17, which are strictly reclassifications for administrative secretaries, court criers, librarians, and so forth, to a total of \$147,400.

Judge CAMPBELL. Yes, sir. Those are on reclassifications recommended by the Judicial Conference.

Mr. ROONEY. Mr. Marshall?

NATIONAL PARK COMMISSIONER

Mr. MARSHALL. I have one question. I would like for you to refresh my memory.

On item 11, concerning the setting up of a national park commissioner, what was the reason for that? Was there some special reason that was done?

Judge CAMPBELL. We got that from the Committee on Supporting Personnel. The district of Arizona in the Grand Canyon National Park, that was. A new public law went into effect, Public Law 86-258, which occasioned this. The salary of the special commissioner had been fixed at \$6,400, which was the same salary paid to the other park commissioners. The public law apparently created this new commissioner.

Mr. MARSHALL. Did that set the salary also, do you recall?

Judge CAMPBELL. That is set by the Judicial Conference. Five hundred dollars of this is for related benefits. The other is for travel and miscellaneous. He receives the same salary as the other commissioners, but one is now provided apparently for the Grand Canyon National Park, a regular commissioner. That is the reason for this increase.

Mr. MARSHALL. Would you happen to know what brought about the request in law for this commissioner to be set up?

Judge CAMPBELL. I really do not because I took this at the suggestion of the Committee on Supporting Personnel, which was acting as a committee of judges passing on this, acting pursuant to the public law I just referred to. I felt, in compliance with that law, it was necessary to establish this regular commissioner at the Grand Canyon National Park, so I, therefore, did not go further into the matter.

Mr. MARSHALL. Thank you.

Mr. OLNEY. I was present when this was discussed in the committee, and it was because of the increased number of cases that arose there because of the increased number of visitors going into the park.

Judge CAMPBELL. Maybe they are driving too fast through the park.

Mr. MARSHALL. Thank you.

Mr. SIKES. May I ask a question?

Mr. ROONEY. Yes, Mr. Sikes.

NUMBER OF PROBATION OFFICERS

Mr. SIKES. I know a number of probation officers and they are very fine individuals, who are doing an important work. However, I read very frequently of paroled criminals who commit other crimes. You

probably interpret that to mean that you need more probation officers, but some people would say you have too many now and it would be better if these criminals were kept in jail where they could not get out to commit additional crimes. What have you to say about that?

Judge CAMPBELL. I think, in general, Congressman, both the bench and the general field of penology and of welfare work would disagree with you. I think that, although it is true that many people, paroled criminals in a larger degree than persons who are placed on probation in the first instance, but even in a lesser degree there, do in some instances violate their parole or probation and commit crimes and have to subsequently be punished anyway.

However, the statistics generally, Congressman, are that the large majority of those placed on probation in the Federal courts make good on their probation, are returned to society as useful citizens, and the cost of supervising them on probation is such a small fraction of the cost of keeping them in prison that the taxpayers' money has been very well spent in making it possible to put them on probation.

By and large, the probation system in the Federal courts, which is all I am concerned with—I would like to comment on the State generally but I am not in a position to do so—I am in position to do it with reference to the Federal courts, and I say to you, with all sincerity, Congressman, that the probation system in the U.S. district courts throughout the whole country has been a tremendous success.

True, we have had some failures, but they are in a very small proportion to the great number that have successfully completed their probation. Unfortunately, it is news to write up in the newspapers the 1 out of the 100 who does not make good. The 99 who have made good and who have been able to support their families, whereas they would have been in prison, who have been returned as useful citizens to society, do not make news and that does not get in the newspapers.

If I can, with all respect, direct your attention to the statistics on probation over the period of the last 10 years, as published both by our Administrative Office and by the Bureau of Prisons, they show that the probation system as administered by the Federal judiciary and carried out by our probation officers is a tremendous success.

VIOLATIONS BY PROBATIONERS AND PAROLEES

Mr. SIKES. That is a good answer, but now tell me what those same figures show about the percentage of paroled or pardoned law violators who commit other crimes subsequently. How does it compare to the number of people in the general public who commit crimes?

Judge CAMPBELL. I wish I could, but unfortunately that is in the purview of the Bureau of Prisons. Maybe Mr. Sharp has some figures on that.

Our men supervise them but it is not part of our judicial function.

The paroled prisoner is a ward of the Bureau of Prisons and not of the courts. The probationer is, of course, a ward of the courts, and it was with reference to the probationers that I was speaking. I believe that the percentage of violations would be greater in the case of the paroled convicts than it is in the case of probationers in the first instance, but the violations do not occur to the alarming degree that it would warrant stopping parole. As I say, parole is ad-

ministered by the Board of Parole and the Bureau of Prisons and is completely outside my field, and unless our Chief Officer, who supervises for the Bureau of Prisons, these men, has some statistics on it, I am sorry but I cannot comment. Do you have anything on it, Mr. Sharp?

Mr. SHARP. I do have this to support what you said.

Judge CAMPBELL. He does that work, not for us but for the other fellow, although we pay him. This is another thing that kind of rankles me.

Mr. SHARP. The success rate of probationers is a little better than that of parolees, as would be expected, since initially they are better choices for rehabilitation. The actual success rate of Federal probation cases, last year about 85 percent completed their period successfully, 15 percent were revoked, half of those for law violations, the other half for technical violations, such as not reporting.

The success rate of Federal parolees last year was 75 percent. It is about 99 percentage points less favorable as far as parolees are concerned.

Mr. Congressman, you might be interested in exhibit M in the justifications where that suggests that our experience since 1954 and specifically in 1955 and 1956 when this committee increased the number of probation officers to a great extent, judges used probation at a much higher rate, and yet the violation rate of probation cases was materially pretty much unchanged. That suggested to us probation could be used safely in a greater proportion of cases without risk of increasing the violation rate substantially.

Mr. ROONEY. If the gentleman will yield at that point—

Mr. SIKES. Yes.

INCREASE IN PRISON POPULATION

Mr. ROONEY. I am prompted to inquire as to your explanation of the testimony that Mr. Bow and I have heard in the deficiency subcommittee the past week that the prison population has gone up substantially at a time when, according to your exhibit in this justification book, exhibit D, criminal cases commenced are lower than they have been.

Judge CAMPBELL. While he is getting the statistics, I think one explanation of that, Mr. Chairman, is that there has been an increase in the severity of sentences. They are being put in prison for longer terms, I think.

Mr. ROONEY. Is that the result of the dope cases?

Judge CAMPBELL. That has something to do with it, because there we now have a mandatory sentence, you see. Also, there have been severe sentences imposed in some districts on convictions for interstate transportation of automobiles.

Mr. ROONEY. There is a larger number of inmates returned to prison institutions after violating the terms of their parole or conditional release.

Judge CAMPBELL. I thought you were referring to prison population.

Mr. ROONEY. I was. I thought you gave me your best answer, that it had to do with increasing severity of sentences.

Judge CAMPBELL. Yes.

Mr. ROONEY. I know of no other explanation. You gave me the answer I expected.

VIOLATIONS BY PAROLEES, PROBATIONERS, ETC.

The second question is: Is it a fact that there are a larger number of inmates returned to institutions after violating the terms of their parole, or conditional release?

Judge CAMPBELL. I think it did increase. I think you are absolutely right.

Mr. SHARP. I do not think substantially, Mr. Chairman. I do not have the figures. The Parole Board would have those figures.

I think the percentage violation rate, as far as parolees are concerned, has been fairly constant in recent years.

Judge McGUIRE. There is always a certain amount of what we call recidivism, people violating their paroles.

Judge CAMPBELL. It has increased, and the Bureau of Prisons would have those statistics better than we.

Mr. ROONEY. That is where we got the information on which to base the question. The question is still good. Is it the fact there is a larger number of inmates returned as the result of violation of their parole, or conditional release?

Judge CAMPBELL. I think it is so, but not in a great number. I would like to have the actual number, which I think we can get, and the percentage returned this year, compared with previous years. Do you have those records from the Bureau of Prisons or in your own file?

Mr. SHARP. We can get that.

Mr. SIKES. When you get those figures, also provide for me the percentage of crime in the general public. I want some basis of comparison here.

Judge CAMPBELL. We can get that from the FBI report, I believe, the last report of the FBI showing the per capita commission of crimes.

Mr. SHARP. We can get the rate of low violations per unit of population, per hundred thousand. I think that is available.

Judge CAMPBELL. Will you compile that and prepare it in a single statement and submit it to the Congressman?

Mr. SIKES. For the record.

(The information supplied follows:)

Table 1, "Index of Crime, United States, 1959" in the Uniform Crime Reports, 1959, published by the Federal Bureau of Investigation, shows that the rate of known offenses (criminal acts) in the United States is 896 per 100,000 population.

Table 14 of the same report indicates that 75 percent of persons arrested and held for prosecution were found guilty.

Mr. CEDERBERG. Mr. Chairman, I have a question.
Mr. ROONEY. Mr. Cederberg.

FILLING OF NEW POSITIONS

Mr. CEDERBERG. I assume if all these requests for new positions, including probation officers, deputy clerks, clerks, et cetera, were granted, you would know just exactly which position each one would fill, and where they would go; is that correct?

Judge CAMPBELL. Yes, sir.

Mr. ROONEY. Mr. Bow?

SALARIES OF SENIOR ADMINISTRATIVE SECRETARIES

Mr. Bow. I would like to ask if Judge Campbell would tell us a little bit about item 15, the salaries for senior administrative secretary.

Judge CAMPBELL. Yes, sir; I will be very happy to.

Mr. Bow. It is a pretty good sized item there.

Judge CAMPBELL. Yes, it is, and it is occasioned by the fact that at the present time many of the judges' secretaries are being unfairly dealt with because the classification standard said that only a secretary who had been a secretary to a Federal judge for 10 years or more may advance into class 10.

Mr. Bow. This is the only one that goes into class 10, one who has served for 10 years?

Judge CAMPBELL. No; that is the present situation. This is to permit those secretaries who have fully the equivalent of 10-years service—for example, there is the secretary to Judge McGuire in the District of Columbia, who has been a secretary in the District of Columbia courts for more than the 10 years but who has not been a secretary to a Federal judge for 10 years. She is being unfairly dealt with now because she does the same work and gets substantially less pay than her sister who had the good fortune to be hired by a Federal judge 10 years ago.

It is the same throughout the system. This \$30,000 represents our best estimate of those who are in similar category to Judge McGuire's secretary at the present time. For example, my own secretary was secretary to the clerk of our court for a good many years before she became my secretary. She was secretary also to the head of the secret service in Chicago for quite a long time before then. We compete with these other Government agencies to get high class secretarial help, which a district judge needs.

In order to do so, we have to get our secretaries into the same classification. We need experienced girls, experienced in Government service. In order to do that, we have to extend the GS-10, which formerly applied only for girls who had 10 years with a Federal judge, to any girl who has similar experience with another Federal agency or with a State court judge.

Mr. Bow. Thank you.

Judge MCGUIRE. I do not think I should leave the record at that. My secretary has been with me pretty close to 10 years, but previous to that she had been in a secretarial capacity in a vicarious way with the judges of the municipal court of appeals and had been a secretary to the admiral who was Director of the Coast and Geodetic Survey.

FEES OF JURORS AND COMMISSIONERS

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Fees of U.S. commissioners.....	762	750	750
Fees of jury commissioners.....	10	10	10
Fees of jurors.....	2,469	2,350	2,350
Total, personnel compensation.....	3,241	3,110	3,110
12 Personnel benefits.....	28	30	30
21 Travel and transportation of persons.....	1,354	1,290	1,290
25 Other services.....	61	70	70
Total obligations.....	4,683	4,500	4,500

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Fees, expenses, and costs (total obligations).....	4,683	4,500	4,500
Financing: Unobligated balance lapsing.....	137		
New obligational authority (appropriation).....	4,820	4,500	4,500

Mr. ROONEY. If there are no further questions, the next item is for fees of jurors and commissioners and is to be found at page 159 of the committee print and beginning at page 138 of the justifications. We shall at this point in the record insert pages 138 through 145 of these justifications.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....	\$4,500,000
Base for 1962.....	4,500,000
Net difference, 1962 over 1961:	

	Requirements		Difference, increase (+) or decrease (-)
	1961 appropriated	1962 estimate	
Jury costs.....	\$3,720,000	\$3,720,000	
Commissioners' fees and related benefits.....	780,000	780,000	
	4,500,000	4,500,000	
Total estimate for 1962.....			4,500,000

**COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—FEES
OF JURORS AND COMMISSIONERS**

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase or decrease
11 Personnel compensation:			
Fees of U.S. commissioners.....	\$750,000	\$750,000	-----
Fees of jury commissioners.....	10,000	10,000	-----
12 Personnel benefits.....	2,350,000	2,350,000	-----
21 Travel and transportation of persons (jurors).....	30,000	30,000	-----
25 Other services (meals and lodging furnished jurors).....	1,290,000	1,290,000	-----
	70,000	70,000	-----
Total obligations.....	4,500,000	4,500,000	-----

JUSTIFICATION

Language changes

It is recommended that the language of the 1962 appropriation be amended as follows:

"For fees, expenses, and costs of jurors; compensation of jury commissioners; [and] fees of United States Commissioners and other committing magistrates acting under title 18, United States Code, section 3041; and compensation of voting referees fixed by the court pursuant to the provisions of the Civil Rights Act of 1960; \$4,500,000"

The above change in language is requested to permit the payment from this appropriation of the compensation of voting referees appointed under the provisions of the Civil Rights Act of 1960. In the absence of any basis upon which to estimate the number of voting referees that will be appointed, their length of service and rates of compensation, the dollar amount required for fiscal year 1962 has not been established nor is it requested that this appropriation be augmented therefor.

Title VI of the Civil Rights Act of 1960 amends section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), by inserting a new subsection (e) which, among other things, authorizes Federal district courts to appoint voting referees in certain cases. It directs that voting referees shall have powers comparable to those conferred upon masters by rule 53(c) of the Federal Rules of Civil Procedure and that the compensation of voting referees shall be payable by the United States, such compensation to be fixed by the court.

Inasmuch as the courts will select and appoint voting referees, will specify their compensation, and will prescribe their duties and supervise their activities, it would appear appropriate that the compensation of voting referees be paid out of funds appropriated to the judiciary. In view of the nature of the appointments, service status, method of payment (fee or per diem basis), and the uncertainty as to the amount that may be required, provision for compensating referees has been incorporated in the language of the appropriation for fees of jurors and commissioners.

Objectives

This appropriation is for fees, expenses, and costs of jurors; compensation of jury commissioners; and fees of U.S. commissioners, including related agency contributions to the civil service retirement fund and matching taxes under the Federal Insurance Contributions Act, as amended. For basic statutory authorities, reference is made to section L of the Digest of Appropriations, the Judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

The amount of service and the compensation of jurors depends largely on the number of jury trials requested by the parties to civil and criminal cases in the courts. The earnings of commissioners are directly related to the volume of cases presented by Federal law-enforcement officials. The following table shows the trend in the cost of jurors and commissioners during the past 5 years, the amount appropriated for 1961 and the estimate for 1962:

Fiscal year	Jury costs	Percentage change	Fees of commissioners and related benefits	Percentage change
1956.....	\$3,729,814		\$590,519	
1957.....	3,729,726	0	617,020	+4.5
1958.....	4,196,300	¹ +12.5	783,700	² +27.0
1959.....	4,210,243	+3	791,826	+1.0
1960.....	3,894,230	-7.5	³ 796,000	+5
1961 (estimated).....	3,720,000	-4.5	780,000	-2.0
1962 (estimated).....	3,720,000	0	780,000	0

¹ Increase due primarily to statutory increase in fees of jurors effective Sept. 7, 1957.

² Increase due primarily to statutory increase in fees of commissioners effective Sept. 2, 1957.

³ Estimated.

Fees paid jurors for services rendered in fiscal year 1960 were \$316,000 or 7.5 percent less than in the previous year. This savings is the result of the program conducted by the courts to develop and install improved and more effective systems of calendar control and juror utilization. In view of an increase in the number of trial days, 1960 over 1959, the true savings due to the greater utilization of jurors is well in excess of the sum by which payments were reduced.

The following tabulation shows payments to jurors during the first 5 months of fiscal year 1961 as compared with the same period of fiscal year 1960:

	Fiscal year 1961	Fiscal year 1960
July.....	\$46,024	\$62,793
August.....	114,546	92,524
September.....	181,792	210,150
October.....	322,447	365,306
November.....	404,852	385,236
Total.....	1,069,661	1,116,008

The maximum potential savings through greater utilization of jurors was not realized in fiscal year 1960. An additional savings of 4.5 percent or approximately \$175,000 is anticipated for fiscal year 1961. The overall savings expected to be realized from the improvements in the administration of the jury system, notwithstanding an increase in the number of trial days, is over \$490,000. Exhibit N shows the number of petit jurors serving in 87 U.S. district courts during the fiscal year ending June 30, 1960, by district.

Detailed justification

No increase in this appropriation is requested.

OBLIGATIONS IN 1960 AND 1961

Mr. ROONEY. They indicate that the request is in the amount of \$4.5 million, the same as appropriated for this purpose in the current fiscal year.

What have been the obligations for the first 6 months of the present fiscal year compared with the first 6 months in 1960?

Mr. ANDERSON. I have those figures. Through December of fiscal year 1960 we paid to jurors \$1,565,396; for the current year, through this last December, \$1,504,013, or about \$61,000 less.

Mr. ROONEY. Have you figured the percentage?

Mr. ANDERSON. It is 3.92 percent less.

Mr. ROONEY. Practically 4 percent less?

Mr. ANDERSON. Yes, sir.

VOTING REFEREES

Mr. ROONEY. You have included at page 159 new language: and compensation of voting referees fixed by the court pursuant to the provisions of the Civil Rights Act of 1960 (74 Stat. 86).

Have you, since we discussed this some days ago, before the Deficiency Subcommittee, gained any further knowledge on the question as to whether or not this is subject to a point of order?

Mr. OLNEY. No, sir; we have not.

Mr. ROONEY. It may be in the other bill?

Mr. OLNEY. No. We consulted with the Department of Justice on this thing, and we are including this in this fashion at their suggestion, but I have not raised with them directly the question of whether it would be subject to a point of order.

Mr. ROONEY. I must again ask the question: How many voting referees would this requested appropriation refer to?

Mr. OLNEY. The statute gives the courts authority to appoint them whenever the conditions required by law exist.

Mr. ROONEY. Have any been appointed as yet?

Mr. OLNEY. None.

Mr. ROONEY. You have no knowledge as to whether or not any ever will be appointed?

Mr. OLNEY. None at all.

Mr. ROONEY. How much have you included in this budget for this purpose?

Mr. OLNEY. We have not included anything in the way of funds. We have no experience of any kind.

Mr. ROONEY. Are there any further questions?

TRAVEL AND MISCELLANEOUS EXPENSES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Direct obligations:			
21 Travel and transportation of persons.....	1,406	1,455	1,555
22 Transportation of things.....	25	30	33
23 Rent, communications, and utilities.....	542	597	642
24 Printing and reproduction.....	200	213	220
25 Other services.....	74	60	188
Transcripts ordered by courts.....	79	90	90
26 Supplies and materials.....	230	230	245
31 Equipment:			
General office.....	149	135	255
Furniture.....	259	375	1,019
Lawbooks, accessions.....	109	150	103
Lawbooks, continuations.....	397	450	467
Total direct obligations.....	3,469	3,785	4,818
Reimbursable obligations: 24 Printing and reproduction.....	10	5	5
Total obligations.....	3,479	3,790	4,823

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities:			
Travel and miscellaneous expenses:			
Direct obligations.....	3,469	3,785	4,818
Reimbursable obligations.....	10	5	5
Total obligations.....	3,479	3,790	4,823
Financing:			
Advances and reimbursements from other accounts.....	-10	-5	-5
Unobligated balance lapsing.....	31		
New obligational authority (appropriation).....	3,500	3,785	4,818

Mr. ROONEY. The next item is "Travel and miscellaneous expenses" and is to be found at page 161 of the committee print. The details with regard thereto are in the justifications at pages 146 through 191.

We shall insert these pages at this point in the record.

(The pages follow:)

Statement relating appropriation estimate to current appropriation

1961 appropriation in annual act.....	\$3,785,000
Base for 1962.....	3,785,000
Net difference, 1962 over 1961:	

	Requirements		
	1961 appropriated	1962 estimate	Difference, increase (+) or decrease (-)
Travel expenses.....	\$1,455,000	\$1,555,000	+\$100,000
Miscellaneous expenses.....	2,330,000	3,263,000	+933,000
Total.....	3,785,000	4,818,000	1,033,000
Total estimate for 1962.....			4,818,000

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES
TRAVEL AND MISCELLANEOUS EXPENSES

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
21 Travel and transportation of persons.....	\$1,455,000	\$1,555,000	+\$100,000
22 Transportation of things.....	30,000	33,000	+3,000
23 Rent, communications, and utilities.....	597,000	642,000	+45,000
24 Printing and reproduction.....	218,000	219,000	+6,000
25 Other services.....	60,000	188,500	+128,500
Transcripts ordered by court.....	90,000	90,000	
26 Supplies and materials.....	230,000	245,500	+15,500
31 Equipment:			
General office.....	135,000	255,200	+120,200
Furniture.....	375,000	1,019,200	+644,200
Lawbooks, accessions.....	150,000	103,000	-47,000
Lawbooks, continuations.....	450,000	467,000	+17,000
Total (direct) obligations.....	3,785,000	4,818,000	+1,033,000

Summary of increased requirements for 1962

Item and nature of expense (or savings) :	Amount
1. Deduction of nonrecurring expenses authorized for fiscal year 1961-----	\$197,500
2. Expenses (including the nonrecurring cost of equipment and furniture) relating to new personnel-----	92,200
3. Additional funds for travel—judges attending seminars (including institutes on sentencing), travel of judges and staffs on assignment to other districts, and to cover higher air fares-----	78,000
4. For modernization and improvement of telephone facilities, including the installation of telephone facilities in new court quarters-----	28,000
5. For nonrecurring expense of modernizing equipment and facilities in the U.S. District Court for the Northern District of Illinois, based on a recently conducted management survey--	100,000
6. To reimburse the General Services Administration for tenant alterations and services-----	115,000
7. Additional sum required to purchase furniture previously supplied by the General Services Administration-----	100,000
8. To provide furniture and furnishings incident to the occupancy of new buildings scheduled to be completed during fiscal year 1962 or within 90 days thereafter-----	632,800
9. To cover contractual and other rate increases and general increases in the volume and cost of printing, supplies, and services required by the courts-----	84,500
Total (net) increase-----	1,033,000

JUSTIFICATION

Language changes

None.

Objectives

This appropriation provides for the necessary travel and miscellaneous expenses of the judges and supporting personnel of the U.S. courts of appeals and the U.S. district courts, including the probation offices, but excluding the offices of the referees in bankruptcy. The travel and miscellaneous expenses of referees, including compensation and benefits of clerks to referees, are paid from a special fund appropriation. For basic statutory authorities, reference is made to section M of the Digest of Appropriations, the Judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justifications

During fiscal year 1960, total civil filings in the U.S. district courts excluding Alaska, increased by approximately 4 percent, from 55,521 to 57,665. The U.S. courts of appeals received a record number of new appeals in 1960. Cases docketed were 3,899, an increase of 4 percent over the 3,754 filed in 1959. The number of passport applications processed by the district courts increased from 197,828 in 1959 to 222,141 in 1960. Petitions for naturalization also increased, rising by 17 percent from 83,704 in 1959 to 97,972 in 1960. Further contributing to the workload of the district courts (clerks' offices) has been the marked increase in the volume of filings in bankruptcy from 100,672 to 110,034, almost 10 percent. A detailed account of the judicial business of both the circuit and district courts is contained in the general and detailed justifications for additional personnel requested under the appropriation "Salaries of supporting personnel, the Judiciary."

Detailed justifications

It is requested that this appropriation be increased \$1,033,000, from \$3,785,000 to \$4,818,000. The increase is net of nonrecurring expenses authorized for fiscal year 1961. Additional funds are required in this appropriation for travel and miscellaneous expenses (including equipment and furniture) relating to new personnel; to cover contract and other rate increases and an increased volume of travel, printing, supplies, etc., required by the courts; for the improvement of telephone facilities; and for carrying out recommendations for

management improvement based on a recently conducted survey. Provision also has been made for tenant alterations and services to be provided by the General Services Administration on a reimbursable basis and the nonrecurring expense of furniture and furnishings required incident to the occupancy of new buildings.

Deduction of nonrecurring expenses authorized for 1961

The following expenses which were authorized for fiscal year 1961 are non-recurring and, accordingly, have been deducted in establishing the budgetary requirements for fiscal year 1962:

Nature of expense:	Amount deducted
Conversion of a new check format.....	\$7,500
Equipment and furniture for new personnel.....	15,000
Libraries for new judges succeeding senior judges.....	50,000
Replacing volumes of Shepard's U.S. Citations.....	25,000
Furniture and furnishings incident to the occupancy of new buildings.....	100,000
Total amount deducted.....	197,500

Expenses relating to new personnel

Under the appropriation "Salaries of supporting personnel" funds have been requested for the compensation and benefits of additional deputy clerks, probation officers, clerk-stenographers for probation offices, additional law clerks and secretaries, court reporters, and several other new positions. Provision also has been made for additional temporary employment. Funds required to provide new personnel with equipment and furniture and to cover their expenses of travel, communications, supplies, etc., have been included under this appropriation as follows:

	Travel	Transportation of things	Communications ¹	Printing and reproduction	Supplies and materials	Furniture and equipment ²	Total
25 deputy clerks.....		\$250	\$4,375	\$625	\$1,500	\$15,000	\$21,750
30 probation officers.....	³ \$20,000	300	9,300	750	1,800	12,000	44,150
13 clerk-stenographers.....		120	1,225	325	780	10,400	12,850
3 court reporters.....	900						900
1 national park commissioner.....	300	10	180		60		550
1 librarian.....		10	180		60	600	850
3 clerks to commissioners.....		30	540		180	2,600	3,350
Pretrial division, New York Southern.....		200	1,200	400	400	4,000	6,200
Temporary employees.....	800	80			720		1,600
Total.....	22,000	1,000	17,000	2,100	5,500	44,600	92,200

¹ Includes postage and fees paid.

² Nonrecurring.

³ 10-month provision.

The expenses relating to the increase in personnel are estimated on a unit cost basis. Unit costs are derived from samplings of expenses currently being incurred by officers and employees in similar positions. The cost of communications, supplies, equipment, etc., varies depending upon the nature of the duties and responsibilities of the position. The nonrecurring expenses for general office equipment and furniture, of course, will be deducted in establishing the requirements for fiscal year 1963. No increase has been requested for expenses relating to additional law clerks and secretaries.

Additional funds for travel

It is requested that an additional \$78,000 be provided to cover (1) the expenses of travel and subsistence of a greater number of judges attending seminars concerning improvement in judicial administration, uniformity in sentencing procedure, and other judicial matters, as authorized by Public Law 85-752, approved July 28, 1958; (2) the cost of an increasing number of inter-circuit and intracircuit assignments of judges; and (3) the higher cost of transportation due primarily to increases in domestic air fares.

The total allotment for expenses of travel by judges and supporting personnel in fiscal year 1960, was \$1,415,000. A projection of payments during the first 9 months of fiscal year 1960 indicated that funds available were insufficient and that in the absence of any restrictions on travel, a deficiency of \$30,000 would have been incurred. In April of 1960, a memorandum was addressed to U.S. circuit and district judges and all other court officers and employees requesting their cooperation in reducing travel expenses during May and June 1960. It was suggested that a minimum number of supporting personnel be taken on official trips, that arrangements be made for group travel by privately owned automobile to places of holding court when necessary, that probation officers conduct as many interviews as possible on each trip, and by arranging for a postponement to the next fiscal year of as much official travel as possible. It is estimated that through the efforts of the court officers and employees a savings of approximately \$40,000 was realized.

The sum of \$1,455,000 is available in the base appropriation for travel of judges and all supporting personnel of the U.S. courts of appeals and the U.S. district courts for fiscal year 1961. The increase of \$40,000, 1961 over 1960, is primarily to cover the cost of travel to be incurred by the judge and other personnel in the new district court in Alaska and for the travel expenses of additional law clerks and secretaries authorized for 1961. Therefore, the increase in the allotment does not offset the deficiency which exists and it appears that restrictions and limitations on travel will again be necessary in order to hold expenditures to the amount that is available. Such restrictions and limitations very definitely impair the efficiency of operation in the courts. The curtailment of travel by probation officers will weaken the probation service. The lack of travel funds may require postponements and delays in the holding of trials and hearings which would tend to increase the pending caseload.

The deficiency in the travel allotment is due primarily to an increase in the number and length of service of judges serving on assignment in judicial districts where congestion is most critical and also to an increase in the number of judges attending seminars, including institutes on sentencing, as provided in Public Law 86-752, approved August 25, 1958 (72 Stat. 845). An increase in domestic air fares also is a contributing factor.

Visiting judges

Days of service rendered by visiting judges sitting by special assignment in the district courts increased about 8 percent in 1960, but this was entirely the result of an increase in the days of intracircuit assignment. Assignments from outside the circuit were for a smaller total of days than those within the circuit, and remained at almost the same level as in 1959.

Total days of district court service by visiting judges were 3,860 in 1960 compared with 3,531 in 1959 and 2,590 in 1958. The figures appear in the following table:

Amount of time spent by visiting judges in district courts

Fiscal year	Number of judges serving on assignment	Actual number of days spent on assignment from arrival to departure		
		Total	Within circuit	Outside of circuit
1958	100	2,590	1,608	982
1959	108	3,531	1,661	1,870
1960	114	3,860	1,994	1,866

The amount of visiting-judge service given and received on intercircuit assignment is shown by the following table:

Amount of time spent by visiting judges on intercircuit assignment in the district courts, fiscal year 1960

	Days of service given outside own circuit	Days of service received from visiting judges from other circuits
Total.....	1,866	1,866
1st circuit.....	41	8
2d circuit.....	84	396
3d circuit.....	146	117
4th circuit.....	43	47
5th circuit.....	127	504
6th circuit.....	213	111
7th circuit.....	132	38
8th circuit.....	310	444
9th circuit.....	167	60
10th circuit.....	25	141
District of Columbia.....	141	
Court of Customs and Patent Appeals.....	23	
Customs Court.....		

The number of assignments of judges for temporary service in the courts of appeals during 1960 both of circuit judges from without the circuit and district judges from within and from without the circuit is shown, by circuit, in the following table:

Visiting judges in the courts of appeals, fiscal year 1960

Circuit	Circuit judges assigned from outside the circuit	District judges assigned from within the circuit	District judges assigned from outside the circuit	Total assignments
Total.....	12	58	3	73
District of Columbia.....	13			3
1st.....		3		3
2d.....	4	2	2	8
3d.....		2		2
4th.....	1	11		12
5th.....		4		4
6th.....	1	7	1	9
7th.....		6		6
8th.....		2		2
9th.....	3	15		18
10th.....		6		6

¹ Includes the assignment of 2 retired Associate Justices of the Supreme Court of the United States.

Attendance at seminars

Public Law 85-752, approved August 25, 1958 (72 Stat. 845), amending chapter 15 of title 28, United States Code (sec. 334) authorized the Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing, and for other purposes. Under the law, the Attorney General and/or the chief judge of each circuit may at any time request, through the Director of the Administrative Office of the U.S. Courts, the Judicial Conference to convene such institutes and joint councils. After the Judicial Conference has approved the time, place, participants, agenda, and other arrangements for such institutes and joint councils, the chief judge of each circuit is authorized to invite the attendance of district judges under conditions which he thinks proper. The expenses of attendance of judges is payable from this appropriation.

The Judicial Conference of the United States at its regular annual meeting, September 16-17, 1959, approved a recommendation of the Pilot Institute on Sentencing that "future sentencing institutes be held from time to time on a national level, in addition to institutes on a circuit level, as contemplated by

the authorizing legislation." During fiscal year 1960, a seminar on practice and procedure under the Federal Rules of Civil Procedure was held in conjunction with the annual meeting of the Judicial Conference of the 10th circuit at Boulder, Colo. For the first time in the history of the Federal judicial system, the judges of an entire circuit, in cooperation with the members of the bar, undertook a thorough study of judicial procedure and court administration in a U.S. district court. There were more than 50 judges from within and without the 10th circuit who were in attendance at this seminar. The occasion was of special significance in that 22 U.S. district judges from without the circuit, who had served on the Federal bench for less than 2 years, were also in attendance. Expenses of travel and subsistence incurred by judges from outside the 10th circuit who attended the seminar aggregated \$11,600.

The Judicial Conference of the United States in September 1960, on recommendation of the pretrial committee, adopted the following resolution:

"That your committee on pretrial procedure in cooperation with the committee on court administration be authorized to conduct, at appropriate times and places, a series of meetings or seminars of judges and lawyers for the purpose of exploring the most effective techniques for the utilization of the pretrial and trial techniques contemplated by the Federal Rules of Civil Procedure; and that in conjunction with these meetings your committee be further authorized to conduct a special study for the purpose of developing a statement of the essentials of the pretrial and trial practice for presentation to the Judicial Conference for its consideration and adoption."

It is expected that a series of three seminars would be required in the development of a new handbook or statement. The first of the seminars is expected to be held in July of 1961—fiscal year 1962.

A joint institute on sentencing is in the planning stages for the 6th, 7th, and 8th circuits. This joint institute is also expected to be held in fiscal year 1962.

The cost of seminars, including institutes on sentencing, as authorized by Public Law 85-752, has very definitely contributed to the current deficiency in the travel allotment. The budget estimate for fiscal year 1960 included a request for additional funds; however, this request was denied by the Congress. It is imperative that the travel allotment be increased, otherwise, it will be necessary to postpone or cancel these seminars which are of tremendous value to the judges and the courts.

An increase in airline fares has also contributed to the existing deficiency in travel funds. On the basis of information received from the Civil Aeronautics Board, the increase in airline fares since early in 1958 is approximately 18 percent. The sum of approximately \$150,000 is paid annually by the Administrative Office of the U.S. Courts to common carriers for travel accommodations furnished judges, and other court officers and employees of the U.S. courts of appeals, and the U.S. district courts. It is estimated that two-thirds of this sum, or \$100,000 represents payments for air travel by court personnel and accordingly the increase in the cost of transportation since 1958 is estimated to be \$18,000. It should be noted that in recent years no increase in the travel allotment has been requested on the basis of fare increases.

Improvement and expansion of telephone facilities

It is requested that an additional \$28,000 be provided for the modernization of telephone equipment and services and for the installation of telephone facilities in new court quarters.

Recently, the Office commenced a program of improving and expanding the telephone facilities in the offices of the U.S. circuit and district judges, and clerks' offices, and the probation offices. Considerable progress has been made in this area, however, the program is not quite complete. These improvements are long overdue and, particularly in view of the growing business of the courts, there should be no delay in providing court personnel with better telephone service and facilities. It is estimated that in fiscal year 1962 an additional \$23,000 will be required for this purpose.

In addition to the above mentioned program which embraces existing facilities, the sum of \$5,000 will be required for telephone installations and service on an annual basis for court quarters in newly constructed buildings as follows:

Sacramento, Calif.	\$800
Oklahoma City, Okla.	1,500
Houston, Tex.	2,000
Parkersburg, W. Va.	400
Martinsburg, W. Va.	300
Total	5,000

The additional telephone facilities and service will be required as a result of changes in functional setup which normally occur incident to the occupancy of new court quarters.

Nonrecurring expense of modernizing equipment and facilities in the U.S. District Court, Northern District of Illinois

Recently, a series of surveys were conducted in the offices of the U.S. District Court for the Northern District of Illinois and in June of 1960, a comprehensive report was rendered containing among other recommendations; the installation of systems type analysis, remittance and control machines; the replacement of the present counter with modern customer service-type counters; the preparation of an area for the exclusive use of serving the public; the installation of an up-to-date system of filing, charge out, and records retirement; and the replacement of furniture with modern matching equipment. It is requested that the sum of \$100,000 be provided for furniture, equipment, space alterations, and other improvements which have been recommended. The following is a summary of the estimated cost of improvements:

Furniture:	
Clerk's office	\$33,256
Central service	278
Total	33,534
Equipment:	
Clerk's office	30,701
Central service	13,305
Total	44,006
Total, furniture and equipment	77,540
Space alterations and improvements	23,000
Grand total	100,540

Prior to having the benefit of the survey, it appeared that the only solution to the problem of handling the workload of the clerk's office in the northern district of Illinois was to authorize the employment of additional deputy clerks. The modernization of equipment and facilities will very definitely expedite the service to the public and improve the flow of work so as to obviate the need for additional personnel.

The amount required to adopt the recommendations contained in the survey report is relatively substantial, however, it should be recognized that it is a one-time cost (nonrecurring) and that in the long run, taking into account the additional personnel that would otherwise be required, it will result in a savings to the taxpayers.

Tenant alterations and services

In June 1961 the General Services Administration issued Circular No. 12 for "Standard Practices in the Management and Servicing of Buildings." In it, they distinguished between services provided by General Services Administration without cost to "occupant agencies" and "reimbursable services". Under "Reimbursable Services," "Special services peculiar to an agency's needs" they included the following:

"4. (1) Space alterations, such as installing, removing and relocating of partitions (subject to approval of building superintendent) and the moving of furniture and office equipment at the request of the occupants."

Executive agencies consistent with the instructions contained in this circular reimbursed the General Services Administration for the special services as defined above. The Administrative Office had been of the view that this provision did not apply to the judiciary, on the basis that requirements of the courts in a courthouse could not be considered "special" needs.

The Comptroller General of the United States on May 13, 1959, in Decision B-138598, held that where alterations do not involve "changes rendered necessary solely because of specialized work by the occupying agency, and its appropriation contains no provisions for alterations and improvements of public buildings, the inadequacy in amount of an appropriation for such improvements made to General Services Administration * * * does not operate to authorize the use for such purposes of the more general appropriation of the occupying agency." In view of the "long prevailing practice of performing special service work for the agencies without regard to availability of the agencies' appropriations for such work," the decision left GSA "in no position appropriationwise to absorb such tenant changes and improvements." In December 1959 following the decision of the Comptroller General, the General Services Administration redefined other agencies' reimbursability in exhibit 8, appendix C, GSA reg. 2-II-304.04 (which replaced Circular No. 12) as follows:

"Other agencies' responsibility.—These include but are not limited to—

"(a) To the extent that GSA appropriations are not adequate for providing necessary space and related services, other agencies shall be responsible for paying all or part of the cost thereof, providing their appropriations are legally available for the purpose."

The General Services Administration representatives insist that the judiciary obtain funds to reimburse them for tenant alterations, saying they were not budgeting in 1962 to take care of judicial tenant changes. It is understood that the action taken by the General Services Administration has the approval of the General Accounting Office and the Bureau of the Budget. No funds have been transferred from the General Services Administration appropriations to the judiciary appropriations consistent with the courts assuming the responsibility in this area.

The estimate of \$115,000 included herein is based on an estimated 4,073,000 square feet of space occupied by the courts in post office buildings and in buildings operated by the General Services Administration and is premised on an average annual cost of 3 cents a square foot. The estimate includes \$10,000 for tenant alterations in the U.S. Courthouse for the District of Columbia. Provision for tenant alterations in the Courthouse for the District of Columbia was included in the 1961 budget estimate; however, in the administrative allocation of the total appropriated by the Congress, it was apparent that this item had not been allowed. The estimate of 3 cents a square foot was furnished by the General Services Administration and represents the basis on which they have budgeted in the past. However, there is no assurance that the amount requested, namely \$115,000, will be sufficient in 1962. As an example of the cost of such services, the General Services Administration estimated that the cost of moving and construction of bookcases and refinishing of benches at Los Angeles, Calif. would cost \$9,000 and that tenant alterations and services for the courts in the Foley Square Building in New York City for 1 year was estimated to cost \$20,000.

Additional funds for replacement furniture (previously supplied by GSA)

Prior to fiscal year 1960, the General Services Administration included in its budget a provision for the furniture requirements of the courts located in buildings which they manage. As a result of a change in policy of the Bureau of the Budget, the General Services Administration announced that beginning with fiscal year 1960 agencies must budget for their own furniture. Consistent with expenditures by the General Services Administration for furniture and furnishings during fiscal years 1958 and 1959, a request for \$270,000 was included in the regular 1960 fiscal year estimates. Based on the overall increase in the appropriation, it was apparent that the Congress had denied the request; however, it was possible to administratively allocate \$15,000 for this purpose. The Congress in the Second Supplemental Appropriation Act, 1960, provided the courts with an additional \$168,000, bringing the total available for replacement furniture for court personnel in GSA buildings to \$183,000. During fiscal year 1960, the expenditures for furniture and furnishings, including related transportation charges, repairs to furniture, and the cost of installation, aggregated slightly over \$200,000. The excess of expenditures over funds available was possible only by limiting expenditures for furniture for court offices located in post office buildings.

The Congress, in response to a request for \$255,000 for fiscal year 1961, appropriated only \$155,000, a reduction of \$100,000. Based on the experience of the General Services Administration during 1958 and 1959 and on the basis of our own experience during fiscal year 1960, it would appear that the sum appropriated is inadequate. The demand for furniture, repairs, and replacements is currently at the level which was anticipated and which will result in an accumulation of a serious backlog of requirements based on the amount currently available in the base appropriation. It is requested that an additional \$100,000 be provided for this purpose.

Furniture and furnishings required incident to the occupancy of new buildings

On December 28, 1959, the General Services Administration in its Circular No. 197, announced that Federal agencies are to assume financial responsibility for furniture and furnishings required incident to the occupancy of new buildings beginning with fiscal year 1961. The timing of the announcement did not permit the inclusion of an estimate for such furniture in the regular 1961 appropriation request; however, prior to consideration of the regular appropriation request by the Senate Appropriations Committee, a supplemental request was submitted for furniture and furnishings required incident to the occupancy of new buildings scheduled for completion in fiscal year 1961. The supplemental request was treated as an amendment to the 1961 estimate (S. Doc. 106) and Senate report (No. 1777) on the 1961 appropriations bill (H.R. 11666) indicated that the sum of \$100,000 had been provided for this purpose. The report of the conference did not indicate any disagreement on this item. It will be noted that the amount allowed for this purpose for fiscal year 1961 has been deducted in establishing the budgetary requirements for fiscal year 1962.

The estimated cost of furniture and furnishings required incident to the occupancy of new buildings scheduled to be completed during fiscal year 1962 or within 90 days thereafter (exclusive of requirements for offices of referees in bankruptcy) is summarized below:

Location	Date scheduled for completion	Amount
Sacramento, Calif.	August 1961 ¹	\$82,600
Oklahoma City, Okla.	November 1961	132,600
Houston, Tex.	February 1962	275,700
Parkersburg, W. Va.	March 1962	21,800
Brooklyn, N.Y.	July 1962	120,100
Total		632,800

¹ The estimate for Sacramento, Calif., also is included in a 1961 supplemental appropriation request. If construction of the building progresses as scheduled, funds will be required in fiscal year 1961, in which event the total estimate for 1962 may be adjusted downward.

The estimates were furnished by the General Services Administration in accordance with an agreement between the Director of the Administrative Office of the U.S. Courts and the Administrator of the General Services Administration. The estimates were prepared by the General Services Administration's regional offices based on discussions with the judges or their designees subject to review and summarization by the central office of the General Services Administration.

Contractual and other rate increases and general increases in the volume and cost of printing, supplies, and services required by the courts

It is estimated that an additional \$84,500 will be required to cover the miscellaneous expenses of the courts in fiscal year 1962 as follows:

Nature of expense:	Amount
To cover increase in parcel post rates.....	\$2,000
Rate increases in contracts for printing of opinions.....	3,000
Contract rate increases in the cost of printing joint appendixes in forma pauperis for the District of Columbia and an increase in the volume of records in forma pauperis for the Supreme Court...	7,000
Increase in general printing requirements of the courts.....	2,000
Biennial premium on blanket position surety bond for court clerks and other disbursing officers.....	3,000
Higher cost of contractual investment services, Register of Wills, District of Columbia.....	1,000
To cover contractual increases in rates for repairing office equipment and the higher cost of maintaining newly acquired electric typewriters which have replaced manual machines.....	7,000
For expert witness fees under rule 28 of the Federal Rules of Criminal Procedure.....	2,500
For photocopy paper and chemicals required incident to the installation of photocopy machines in court offices during fiscal year 1961...	10,000
To purchase photocopy machines for probation offices.....	2,000
For expansion of basic standard libraries to include Federal Rules Decisions and U.S. Code Congressional and Administrative News...	3,000
To cover the cost of additional continuation material required due to the expansion of libraries.....	17,000
To cover price increases on continuation material under contract...	25,000
Total.....	84,500

Expenses relating to requests for additional personnel are not included in the above estimates.

Parcel post rate increases

On authorization from the Interstate Commerce Commission the Post Office Department put into effect a 20-percent increase in the cost of parcel post shipments, including an increase in the book rates as of February 1, 1960. A sum in excess of \$10,000 is incurred annually for the shipment of supplies and materials from the stockroom of the Administrative Office of the U.S. Courts to field offices and shipments in the field by parcel post. The increase of 20 percent creates a deficiency in the allotment for the "transportation of things" of approximately \$2,000.

Contract rate increases—Printing of opinions

It is requested that additional funds be provided to cover the increased cost of printing opinions occasioned by "increases and decreases" in contract rates obtained by competitive bidding in the 11 courts of appeals. Based on the net percentage increase in the cost of contracts for fiscal year 1961 as compared with 1960 as applied to the cost of work performed in each circuit, it is estimated that an additional \$2,500 will be required for fiscal year 1962. The following comparative table shows the extent of the increase or decrease in each of the circuits:

Opinions—Percentage increase in cost based on price per page for straight matter

Circuit	1960		1961		Difference	Percentage increase or (decrease)	Total cost, 1960	Estimated increase or (decrease)
	Contract	Rate	Contract	Rate				
1st.....	3037	\$5.00	3092	\$5.00	0	0	\$3,254	0
2d.....	3084	4.75	3134	4.75	0	0	14,728	0
3d.....	3045	5.10	3113	4.35	-\$0.75	(15.0)	7,937	(\$1,191)
4th.....	3038	3.10	3091	3.25	.15	4.8	5,322	255
5th.....	3041	2.50	3096	2.60	.10	4.0	12,818	513
6th.....	3076	6.00	3100	5.90	-.10	(1.6)	5,986	(96)
7th.....	3039	3.25	3098	3.45	.20	6.2	5,582	346
8th.....	3046	4.50	3125	4.50	.00	0	7,942	0
9th.....	3074	5.15	3127	5.45	.30	5.8	13,774	799
10th.....	3062	1.60	3112	1.58	-.02	(1.3)	2,412	(31)
District of Columbia..	3040	7.50	3126	8.50	1.00	13.3	19,064	2,536
Total.....							98,819	3,131

Records in forma pauperis

It is requested that an additional \$7,000 be provided to cover contract rate increases in the cost of printing joint appendices on appeal in forma pauperis for the District of Columbia and in anticipation of an increase in the volume of in forma pauperis proceedings to be allowed by the U.S. Supreme Court.

Amounts expended for the printing of records in forma pauperis for the U.S. Supreme Court in recent years are as follows:

Fiscal year:	Amount
1955.....	\$4,696
1956.....	5,535
1957.....	5,275
1958.....	17,929
1959.....	13,369
1960.....	14,743

The increase that occurred in 1958 was due primarily to a change in the basic concepts for allowing defendants to proceed in forma pauperis (*Johnson v. United States*, 352 U.S. 565). On the basis of the numbers of in forma pauperis proceedings recently allowed by the Supreme Court, there is every indication that a similar increase in expenditure will occur in 1961.

The majority of in forma pauperis proceedings are on appeals from the State courts, and they involve due processes pertaining to arrest, search and seizure, confession, arraignment, lack of adequate counsel and make up of juries.

Increase in printing requirements

It is requested that an additional \$2,000 be provided to cover a general increase in the volume and cost of printed material required by the courts.

Premium on blanket position surety bond

The sum of \$3,000 is required to pay the premium on certain individual bonds and a 2-year blanket position surety bond in favor of the United States covering court clerks and other disbursing officers of the U.S. district courts and the U.S. courts of appeals, as provided by section 14 of title 6, United States Code.

Contractual investment services—Register of Wills, District of Columbia

The office of the Register of Wills and clerks of the probate court of the U.S. District Court for the District of Columbia has been informed by Standard and Poor's Corp. that they propose to increase their bid for services rendered in the compilation of the list of securities and numerous other services in connection with the maintenance by the Register of Wills of the list of legal investments in accordance with civil rule 23 (rule for investment trust funds) from \$6,500 to \$7,500 per annum. It is requested that the Congress appropriate an additional \$1,000 for this purpose.

Increased cost of repairs to equipment

The sum of \$7,000 is required to cover contractual increases in rates for repairing office equipment and the higher cost of maintaining newly acquired electric typewriters which have replaced manual machines. The following is a comparative table of rates (first-hour costs) charged under Government contracts by various major firms.

	1959	1960
IBM.....	\$6.50	\$7.00
Underwood.....	6.50	6.50
Royal.....	5.50	6.50
L. C. Smith.....	5.00	6.00
Remington.....	5.00	6.00
Edison.....	7.50	11.50

For the machines owned by the courts, the increase will average 10 percent, and on the basis of some \$30,000 being expended annually for the repair of office machines, an additional \$3,000 will be required due to changes in contract rates. In addition, it is estimated that \$4,000 will be required to cover the higher cost of maintaining approximately 200 electric typewriters which were purchased during 1960 in exchange for manual machines. The cost of repairs to an electric typewriter average approximately \$16 more than that of a manual machine. Also, the cost of overhauling an electric typewriter as compared with that of a manual typewriter runs about \$50 higher.

Expert witnesses

Under rule 28 of the Federal Rules of Criminal Procedure the "inherent power of the court" to call its own witnesses was spelled out and "reasonable compensation" of such witnesses was directed out of such funds as may be provided by law. Where the appointments are made for court purposes, witnesses have been paid from this appropriation. Heretofore, the amounts involved have been relatively insignificant and have been absorbed, however, the appointments of witnesses under this rule are becoming more frequent and the charges for examination and for giving evidence in court by experts is steadily mounting. It is estimated that the sum of \$2,500 will be required in fiscal year 1962. No funds previously have been requested for this purpose.

Photocopy paper and chemicals

The sum of \$10,000 is requested to cover the cost of supplying photocopy paper, chemicals, and supplies to court offices which have been or will be furnished photocopying machines in fiscal year 1961. It is estimated that 20 new machines will be installed and that the cost of photocopy paper and supplies will average \$500. The principal use of these supplies is for the purpose of providing copies of records and papers filed in a clerk's office when requested by parties to an action or the general public. The clerk is required by 28 U.S.C. 1914(b) to collect the fee prescribed by the judicial conference for these copies. The fees so collected are covered into the general fund of the Treasury as miscellaneous earnings.

Photocopy machines for probation offices

It is requested that the sum of \$2,000 be provided for the purchase of photocopying machines for probation offices. These machines which have not in the past been available to probation offices are sorely needed to expedite work of these offices. Many documents and reports are available to the probation offices for short periods of time, yet the information contained in them may be needed over a period of months or years. Some of these documents are military discharge papers, marriage and birth certificates, police reports, reports from other probation and parole agencies, and correspondence.

Without the machines, it is necessary to interrupt the work of clerical personnel to type the material or for the officer himself to make hasty notes that are found to be inadequate later when the material is no longer available.

The need for the machines is urgent and correspondence from probation officers bears this out. Supplying these machines is in keeping also with the request that the officers give an increasing amount of attention to the verification of information that goes into reports and records.

Federal Rules Decisions and United States Code Congressional and Administrative News

The basic standard library for circuit and district judges was established about 1941. Recently it was found necessary to enlarge this standard by including Federal Rules Decisions and United States Code Congressional and Administrative Service, two publications of the West Publishing Co. The sum of approximately \$3,000 is required to satisfy requests from judges that they be supplied with these two sets. Requests are anticipated for eight sets of the United States Code Congressional Service, which cost \$200 each per year, and approximately twice that number of Federal Rules Decisions at a total cost of approximately \$1,500.

Additional continuation material required for court libraries

During the fiscal year new libraries were provided and existing libraries were expanded by the acquisition of legal reference materials at a cost of approximately \$110,000. It will be necessary, of course, to purchase continuation materials to keep these sets of books current. To do so, it is estimated that the sum of \$17,000 will be required.

Price increases on continuation material under contract

The sum of \$25,000 is needed to cover price increases for continuation material necessary to keep court libraries up to date. The price increases were effective July 1, 1960, under General Services Administration contracts and contracts entered into by the Administrative Office of the U.S. Courts.

The cost of certain major works purchased by the judiciary, including American Law Reports, Federal Reporter (first and second series) and Shepard's Citations, increased by approximately 7 percent, or more than \$9,000 on the basis of an annual expenditure of approximately \$135,000. The cost of various other legal reference material increased an average of 6 percent, or approximately \$16,000 on the basis of a total annual expenditure of \$265,000. The overall increase in prices which obviously are due to the expanding body of the law and the higher cost of labor and materials is approximately \$25,000.

INCREASE REQUESTED FOR 1962

Mr. ROONEY. The request is in the amount of \$4,818,000 which will be an increase of \$1,033,000 over the appropriation for the current fiscal year.

The increases are set forth beginning at page 148 of the justifications.

It would appear, gentlemen, that this request of \$4,818,000 might be compared with the year 1952 appropriation: to wit, \$1,465,000. This requested amount is over three times as much, is it not?

Judge CAMPBELL. Yes.

Mr. ROONEY. None of this is due to pay raises; this is not personnel money.

Judge CAMPBELL. No; I do not think any of this is personnel money.

Mr. ROONEY. Exactly. That is the reason it is pretty hard to understand how an item such as this should increase the way it has.

Judge CAMPBELL. One reason for the very substantial increase is items 8 and 9.

Mr. ROONEY. It has almost doubled since 1959, has it not?

Judge CAMPBELL. Yes; it would seem to have, from the figures. I was not on the Budget Committee in 1959. I do not know what they were asking for.

Mr. ROONEY. This in view of the decrease in commencement of civil cases and in commencement of criminal cases.

Judge CAMPBELL. In this year's increase of \$1 million which we are asking, we have several items that could not possibly have been contemplated then, from five through eight, one of which I want to speak to with reference to my own court, and the last three which, frankly, are due to orders of the Budget Bureau that I never could understand and do not think proper, which puts us in the business of buying furniture which we do not know anything about, which figure we had to get from GSA.

FURNITURE

Mr. ROONEY. You—and when I say “you,” I mean the Federal judiciary—you have been riding high in the furniture business for a long time, if what I understand from General Services Administration is correct.

As I understand it, the judiciary always wrote their own ticket on the furniture.

Judge CAMPBELL. I do not know the experience generally.

Mr. ROONEY. GSA never presumed to tell the judiciary how much they could spend.

Judge CAMPBELL. In my district, they do; and in my circuit they do.

Mr. ROONEY. That is good news, but I do not know that it applies throughout the country.

Judge CAMPBELL. I do not know about the country generally, but when I asked for new furniture for my chambers, I had my old stuff hauled out and recovered, by them, and it is a good job and it looks nice.

Mr. ROONEY. I think they had a program which referred not only to the courts but also to the Department of Justice in the Chicago area. Is that right?

Judge CAMPBELL. I do not know about that.

Mr. ROONEY. I have heard the same from the Department of Justice. It does not apply throughout the country.

Judge CAMPBELL. If it does not, it should.

Mr. ROONEY. Everytime a divan gets ripped, we have to buy a brand new one instead of sending it to the Federal Prison Industries or to GSA themselves to have it rehabilitated.

Judge CAMPBELL. I do not think that is justifiable at all.

Mr. ROONEY. Is there any money in this budget, Mr. Olney, for rehabilitation of furniture? If so, where?

Mr. OLNEY. It is not expressly for that.

Mr. ROONEY. All the money contained in this budget for furniture is for new furniture, is that right?

Mr. OLNEY. Yes; it is marked that way, but when we get our furniture from GSA, in response to our order, it is not infrequent that rehabilitated furniture is delivered to fill the order.

They do an excellent job on some of it, and it is as good as new furniture. Here is some data on the repairs of furniture.

Mr. ROONEY. How much have you had done in repaired furniture moneywise?

Mr. OLNEY. We had in 1960 as a total of repairs to furniture, \$19,488. In the present fiscal year so far we have spent \$5,386 on furniture repair.

Mr. ROONEY. These repairs were made through whom? Federal Prison Industries or General Services?

Mr. OLNEY. There was in 1960 the total for the Federal Prison Industries \$3,131 and then commercial concerns under GSA contracts had a total of \$9,660. Commercial concerns who were not under GSA contract had a total of \$6,697.

Mr. ROONEY. Would you tell us why you have not used these methods—Federal Prison Industries and GSA—for rehabilitation of furniture and equipment to a greater extent?

Mr. AIRHART. You asked me the question the other day about GSA's rehabilitation program, and I told you I did not know anything about it, which I did not. I made inquiry. Their program is this: That as furniture is declared excess to them, Government-wide, they go over it to see what might be reasonably rehabilitated and have that done. They then warehouse it, and as orders come through from the judiciary or from executive agencies, they provide either new furniture or rehabilitated furniture as they deem appropriate.

Mr. ROONEY. They would not presume to supply anything but new furniture to the judiciary unless you specifically asked for it, would they?

Judge CAMPBELL. That is what I got, and the new judges of our court did.

Mr. AIRHART. I understand they would take the request and supply one or the other without referring back to the agency concerned. They said that their region No. 7, Dallas, Tex., had acquired a tremendous amount of furniture which they redid. Some regions might not have any, but so far as they know, without checking, this program has been applied to us.

They have not had time to check.

Mr. ROONEY. If we were to take this program and use it—when I say we, I mean you—how much would we save in the amount of money set forth in this bill for furniture and equipment?

Mr. AIRHART. Mr. Rooney, I have no knowledge and I suspect, without a lot of checking, neither would GSA.

Mr. ROONEY. Would you say a third? In other words, save two-thirds?

Mr. AIRHART. I should not think so; no, sir.

I would not imagine they would have that much available or that we would have that much which could be redone.

Mr. ROONEY. How much is there, all told, in this judiciary budget for furniture?

Mr. ANDERSON. For 1962, if the sums requested were appropriated, we would have for furniture \$1,019,200.

USE OF FACILITIES IN HOUSTON AND GALVESTON

Mr. ROONEY. This morning we learned that the Customs Court has an item of almost \$12,000 in their budget for new furniture to equip a courtroom in the new court building in Houston, Tex., and

that the Customs Court does not use that room more than 3, or 4, or 5 days in a year. Do you have any situation such as that in the instant budget?

Judge CAMPBELL. None that I know of; not if I can help it, we will not.

Mr. ROONEY. At page 178 of the justifications, under this budget we are looking at right at the moment entitled "Travel and miscellaneous expenses" you have more than a quarter of a million dollars, \$275,700, to put in the same courthouse.

Judge CAMPBELL. That is being used more than 4 days a year. I thought you meant where the courtrooms are not being used. Did I misunderstand you?

Mr. ROONEY. That is right.

Judge CAMPBELL. I do not think we have any in here for courtrooms not being regularly used.

Mr. ROONEY. Is court presently held in Houston or in Galveston?

Judge CAMPBELL. Both, and regularly.

Mr. ROONEY. How often in Houston?

Judge CAMPBELL. That, I do not know, but from my understanding, it would be pretty nearly every day.

There are three or four judges sitting regularly in Houston all the time.

Mr. ROONEY. What facilities do you have in Galveston?

Judge CAMPBELL. In Galveston, there is one courtroom and I have seen it myself. There is one courtroom and chambers and Judge Connally comes down from Houston and sits there 2 weeks about every month. Either he or the other judge.

Mr. ROONEY. How many trial days do they have in Galveston?

Judge CAMPBELL. I do not know, Mr. Chairman.

Mr. ROONEY. According to page 102 of last year's hearings, it would appear there were 20 trial days in the year at Galveston, and 33 in 1959 fiscal year.

Judge CAMPBELL. That might well be. I have no knowledge of that. It probably is not used as often as some others. We have one in our own district that is not in here for any money, Freeport, where we only sit a few days a year, but there is a courtroom out there because the act of Congress says we have to hold court out there twice a year. I have been trying to get rid of it for years but cannot.

Mr. ROONEY. Where is this breakdown of \$275,700 for Houston, Tex.? Do you have that?

Mr. AIRHART. I have it here.

Mr. ROONEY. May we see it, please?

Do you have more detail than this?

Judge CAMPBELL. Do you have anything more than this?

Mr. AIRHART. No, sir; we would have to get it.

Judge CAMPBELL. Who furnished this, the GSA?

Mr. AIRHART. Yes.

DETAILED LISTING OF FURNITURE REQUIREMENTS

Mr. ROONEY. Would you get the details from the GSA to show what your pieces of furniture cost, how many of them, how much each piece, and so forth?

Mr. AIRHART. Yes, sir.

(The information supplied follows:)

Building: new Federal building, Sacramento, Calif., estimated completion date, August 1961

Furniture and furnishing requirements:

1. Judges, including their chambers and library, robing room, studies, and furniture for the secretary, law clerk and bailiff (crier).....	\$20,312.00
2. Courtrooms (movable furniture only. Fixed furniture provided in construction contract).....	6,123.00
3. Court clerks and their staffs, including deputy clerks in outlying areas.....	5,827.95
4. Witness, grand jury, and petit rooms.....	5,118.50
5. Court reporters.....	
6. Court libraries other than the judges' individual library.....	553.97
7. Referees in bankruptcy and their staffs.....	5,782.85
8. Probation officers and their staffs.....	2,606.13
9. U.S. commissioners and their staffs.....	2,299.41
10. All other space not itemized above, including but not limited to attorneys' conference rooms, and conference rooms not specifically assigned to any particular court office.....	
Total furniture and furnishings.....	48,623.90
Estimated transportation cost.....	7,293.59
Estimated cost of uncrating and placement.....	2,431.20
Total estimated cost.....	58,348.69
¹ Appropriations chargeable:	
Travel and miscellaneous expenses, U.S. courts.....	\$51,409.27
Expenses of referees, U.S. courts.....	6,939.42
Total.....	58,348.69

Revised estimated requirements, new courts furniture, Sacramento, Calif.

JUDGES' CHAMBERS

Number	Item	Quantity	Estimated unit cost	Total estimated cost
7110-262-6694	Desk, walnut, 72-inch.....	3	\$291.07	\$873.21
7110-634-0430	Chair, judges'.....	3	118.08	354.24
7110-262-6685	Chair, leg.....	18	44.67	804.06
7105-264-5221	Davenport, leather upholstered.....	3	218.26	654.78
7195-132-6642	Costumer, walnut.....	3	27.47	82.41
7110-267-6080	Table, 72-inch.....	6	74.57	447.42
7110-264-4561	Cabinet, telephone.....	3	58.77	176.31
	Drapes ¹ (windows).....	47		5,300.00
	Carpets ¹ (square yards).....	570	10.00	5,700.00
	Smoking stands (for judges' suites).....	9	5.20	46.80
	Waste receptacles (for judges' suites).....	9	10.00	90.00
	Desk trays (for judges' suites).....	18	8.00	144.00

LAW CLERKS

7110-262-6693	Desk, 66-inch.....	3	195.97	587.91
7110-634-0429	Chair, rotary.....	3	57.95	173.85
7110-264-5236	Table, walnut, 48-inch.....	3	56.17	168.51
7195-132-6642	Costumer.....	3	27.47	82.41

¹ Estimated quantities and costs cover three complete judges' suites; also space for probation officer, U.S. commissioner (hearing rooms and office), plus Law Library.

Quality of the carpet will be Harmon or equal, and price should allow for installation and any price changes under the new contract.

A revised estimate for carpets and drapes will be furnished later when construction of the building has progressed to the stage where accurate information can be obtained.

Revised estimated requirements, new courts furniture, Sacramento, Calif.—Cont.

JUDGES' SECRETARIES

Number	Item	Quantity	Estimated unit cost	Total estimated cost
7110-262-6691 or 7110-262-6692	Desk, stenographer's (pedestal to be specified)	3	\$184.87	\$554.61
7110-282-5168	Chair, stenographer's	3	30.50	91.50
7195-132-6642	Costumer, walnut	3	27.47	82.41
7110-264-5236	Table, walnut, 48-inch	3	56.17	168.51
7110-262-6685	Chair, leg (reception)	18	44.67	804.06
	File section, walnut, legal	18	150.00	2,700.00
	Stationery cabinet, walnut	3	75.00	225.00

COURTROOMS

7110-264-5342	Chair, rotary, walnut, upholstered	27	\$60.70	\$1,638.90
7110-262-6685	Chair, leg, walnut	36	44.67	1,608.12
7110-282-5168	Chair, stenographer's, walnut	3	30.50	91.50
7110-264-5236	Table, walnut, 48-inch	6	56.17	337.02
7195-132-6642	Costumer, walnut	6	27.47	164.82
7110-264-5238	Table, walnut, 84-inch	6	159.17	955.02
	Blackboard, portable	3	80.00	240.00
7110-262-6685	Chair, straight, with arms (for witness stands)	3	44.67	134.01
8345-682-6860	Flags on standards	6	66.50	399.00
7110-262-6691	Desk, stenographer's (pedestal to be specified)	3	184.87	554.61

LAW LIBRARY

7110-267-6980	Table, walnut, 72-inch	2	\$74.57	\$149.14
7110-262-6685	Chair, leg, walnut	8	44.67	357.36
7195-132-6642	Costumer	1	27.47	27.47
	Waste receptacle	1		
	Smoking stand	2		20.00

JURY ROOMS (4)

7110-282-5169	Chair, wood, walnut finish, straight, with arms	60	\$26.75	\$1,605.00
7110-262-6671	Table, walnut finish, 96- by 42-inch	8	81.75	654.00
7195-242-3503	Costumer, wood, walnut finish	12	11.25	135.00
7520-281-5917	Wastebasket, brown, metal, square	8	2.26	18.08
7110-285-6413	Smoking stands	16	5.20	83.20

JURORS' ASSEMBLY ROOM

7110-282-5169	Chair, wood, walnut finish, straight, with arms	26	\$26.75	\$695.50
7110-262-6671	Table, walnut finish, 96- by 42-inch	4	81.75	327.00
7520-281-5917	Wastebasket, brown, metal, square	2	2.26	4.52
7110-285-6413	Smoking stand	6	5.20	31.20

WITNESS ROOMS (2)

7110-262-6670	Table, wood, walnut finish, 45- by 34-inch	3	\$38.00	\$114.00
7110-282-5169	Chair, wood, walnut finish, straight, with arms	12	26.75	321.00
7110-285-6413	Smoking stand	6	5.20	31.20

GRAND JURY ROOM

7110-262-6671	Table, walnut finish, 96- by 42-inch	2	\$81.75	\$163.50
7110-282-5169	Chair, straight, wood, walnut finish, with arms	32	26.75	856.00
7110-270-9847	Desk, wood, walnut, 60- by 34-inch double pedestal	1	91.00	91.00
7110-282-5153	Chair, rotary, walnut finish, fabric upholstered seat, slat back; with arms	1	39.80	39.80
7110-262-6672	Table, wood, walnut finish, 60- by 34-inch	1	39.00	39.00
7195-242-3503	Costumer, wood, walnut finish	4	11.25	45.00
7520-281-5917	Wastebasket, brown, metal, square	4	2.26	9.04
7110-285-6413	Smoking stand	4	5.20	20.80
	Blackboard, portable	1	80.00	80.00

Revised estimated requirements, new courts furniture, Sacramento, Calif.—Cont.

PROBATION OFFICES (UNITIZED FURNITURE)

Number	Item	Quantity	Estimated unit cost	Total estimated cost
7110-687-8017	Desk, conference-type, steel, green plastic top.....	5	\$127.50	\$637.50
7110-687-8088	Table, without panel, auxiliary, green plastic top.....	5	33.60	168.00
7110-687-8085	Bookcase, with 2 shelves, green plastic top.....	5	28.40	142.00
7110-262-6690	Chair, rotary.....	5	63.00	315.00
7110-273-8782	Chair, straight.....	12	16.50	198.00
7110-273-8785	Chair, swivel, without arms.....	10	22.75	227.50
7110-551-5487	File cabinet, steel, 2 drawers.....	5	32.00	160.00
7110-270-9838	Desk, typewriter, compartment in left pedestal.....	1	86.50	86.50
7110-274-4914	Desk, typewriter, compartment in right pedestal.....	1	86.50	86.50
7110-262-6663	Table, steel, 60-by 34-inch.....	1	34.65	34.65
7110-273-8791	Chair, typist.....	2	23.00	46.00
7125-641-5435	Storage cabinet, gray steel, knocked down.....	2	33.00	66.00
7125-543-7125	Double clothing locker (set up).....	1	45.20	45.20
7110-262-6648	Section, bookcase, gray steel, 14 $\frac{1}{4}$ -inch.....	3	15.65	46.95
7110-262-6673	Base for section.....	1	7.30	7.30
7110-262-6681	Top for section.....	1	4.35	4.35
7520-281-5913	Wastebasket, metal, gray.....	8	2.26	18.08
7105-285-6413	Smoking stand.....	8	5.20	41.60
	Cabinet, gray finish; 6-compartment, with doors; tab No. 4206 or equal.....	2	137.50	275.00

CLERK OF THE COURT

7110-687-8017	Desk, conference-type, with green plastic top.....	10	\$127.50	\$1,275.00
7110-267-6981	Table, steel, 45-by 34-inch.....	1	30.50	30.50
7110-262-6663	Table, steel, 60-by 34-inch.....	5	32.50	162.50
7110-273-8793	Chair, rotary, steel, gray, with arms.....	1	23.75	23.75
7110-273-8795	Chair, rotary, steel, gray, without arms.....	6	22.75	136.50
7110-264-5339	Chair, straight, aluminum alloy.....	2	35.00	70.00
7110-262-6648	Section, bookcase, size 33 by 13 by 14 $\frac{1}{4}$ inches.....	8	15.65	125.20
7110-262-6671	Base for bookcase section; steel, gray.....	2	7.30	14.60
7111-262-6681	Top for bookcase section; steel, gray.....	2	4.35	8.70
7110-273-9512	Cabinet, upright, steel; for 8-by 5-inch cards; 7 double drawers.....	1	92.05	92.05
7195-275-5824	Rack, 6-hat capacity, gray.....	2	11.80	23.60
7195-262-6647	Costumer, gray.....	1	10.50	10.50
7110-262-6662	Stand, typewriter, metal, gray without casters.....	10	29.50	295.00
7110-286-3796	Cabinet, filing; gray, legal, 5-drawer, with lock.....	29	61.00	1,769.00
7110-273-8781	Chair, aluminum, straight, with green upholstery; without arms.....	12	27.50	330.00
7110-273-8802	Chair, posture, typing, gray.....	1	17.50	17.50
7110-273-8791	Chair, posture, typing, gray.....	2	23.00	46.00
7110-273-8798	do.....	1	30.25	30.25
7125-269-8534	Cabinet, storage, setup.....	14	36.00	504.00
	Additional shelves for above.....	66	3.00	198.00
7520-205-1857	Wastebasket, gray, metal, square.....	15	3.13	46.95
7110-687-8929	Table, L-unit, filing; right pedestal; green plastic top.....	4	63.00	252.00
7110-687-8928	do.....	4	63.00	252.00
7105-285-6413	Smoking stand.....	1	5.20	5.20
7110-269-8451	Cabinet, steel, filing, 10 double drawers for 5-by 3-inch cards.....	1	109.15	109.15

U.S. COMMISSIONER

7110-262-6663	Desk, walnut, 66-inch.....	1	291.07	291.07
7110-262-6691	Desk, stenographer's.....	2	184.87	369.74
7110-262-6692	or			
7110-634-0429	Chair, rotary, walnut, upholstered, with arms.....	1	57.95	57.95
7110-267-6980	Table, walnut, 72-inch.....	1	74.57	74.57
7110-264-5236	Table, walnut, 48-inch.....	1	56.17	56.17
7110-264-4561	Telephone cabinet.....	1	58.77	58.77
7195-132-6642	Costumer.....	2	27.47	54.94
7110-262-6685	Chair, leg, walnut, upholstered, with arms.....	10	44.67	446.70
7110-282-5168	Chair, stenographer's.....	3	30.50	91.50
7520-285-5043	Desk trays, walnut.....	6	8.00	48.00
	Waste receptacle.....	3		50.00
	Smoking stand.....	3		
	Filing cabinet, walnut, wood, legal, 4-drawer.....	4	125.00	500.00
7110-242-5356	Section, bookcase, walnut, wood.....	6	35.00	150.00

Revised estimated requirements, new courts furniture, Sacramento, Calif.—Cont.

U. S. COMMISSIONER—Continued

Number	Item	Quantity	Estimated unit cost	Total estimated cost
7110-530-1720	Base for section, walnut, wood.....	2	\$12.50	\$25.00
7110-530-1719	Top for section, walnut, wood.....	2	12.50	25.00
	Total furniture and furnishings.....			42,841.05
	Estimated transportation cost.....			6,426.17
	Estimated cost of uncrating and placement.....			2,142.05
	Total estimated cost.....			51,409.27

REFEREE IN BANKRUPTCY

Number	Item	Quantity	Estimated unit cost	Total estimated cost
7110-262-6604	Desk, walnut, 72-inch.....	1	\$291.07	\$291.07
7110-634-0429	Chair, rotary, walnut, upholstered.....	1	57.95	57.95
7110-262-6685	Chair, leg-type, with arms.....	1	44.67	44.67
7110-262-6684	Chair, easy, walnut, upholstered.....	1	106.02	106.02
7105-264-5221	Davenport, walnut, 84-inch, upholstered.....	1	218.26	218.26
7110-242-5356	Sections, bookcase, walnut wood.....	12	22.10	265.20
7110-530-1720	Base for section, walnut.....	3	11.40	34.20
7110-530-1719	Top for section.....	3	10.95	32.85
7195-132-6642	Costumer.....	2	27.47	54.94
7110-264-4561	Telephone cabinet, walnut.....	3	58.77	176.31
7110-262-6602	Desk, stenographer's, walnut.....	5	184.87	924.35
7110-282-5168	Chair, stenographer's, walnut.....	5	30.50	152.50
7110-264-5236	Table, walnut, 48-inch.....	5	56.17	280.85
7110-262-6685	Chair, walnut, leg-type, with arms.....	4	44.67	178.68
	File section, metal, walnut, legal.....	10	150.00	1,500.00
	Stationery cabinet, walnut, metal.....	4	60.00	240.00
	2-drawer card file, walnut.....	3	30.00	90.00
	Waste receptacle.....	8		
	Desk tray.....	12		
	Smoking stand or ashtray.....	6		
	Carpet (Harmon or equal), including underlay and installations (25 square yards).....		10.00	250.00
	Draperies, including installation.....			700.00
	Estimated total, furniture and carpeting, for referee in bankruptcy.....			5,782.85
	Estimated freight.....			867.43
	Estimated uncrating and placement.....			289.14
	Total.....			6,939.42

³ A revised estimate for carpets and drapes will be furnished later when construction of the building has progressed to the stage where accurate information can be obtained. Carpet will be Harmon or equal.

Building: Oklahoma City, Okla. Estimated completion date: Nov. 16, 1961

Furniture and furnishing requirements:

1. Judges, including their chambers and library, robing room, studies, and furniture for the secretary, law clerk and bailiff (crier)-----	\$85,000
2. Courtrooms (movable furniture only; fixed furniture provided in construction contract)-----	11,300
3. Court clerks and their staffs, including deputy clerks in outlying areas-----	10,000
4. Witness, grand jury, and petit rooms-----	3,300
5. Court reporters-----	3,800
6. Court libraries other than the judges' individual labrary-----	2,000
7. Referees in bankruptcy and their staffs-----	7,000
8. Probation officers and their staffs-----	6,400
9. U.S. commissioners and their staffs-----	3,000
10. All other space not itemized above, including but not limited to attorneys' conference rooms, and conference rooms not specifically assigned to any particular court office-----	2,100
Total furniture and furnishings-----	133,900
Estimated transportation cost-----	5,000
Estimated cost of uncrating and placement-----	1,000
Total estimated cost-----	¹ 139,900

NOTE

Executive furniture shall be limited to judge (his secretary(s) and law clerks); clerk of court, at headquarters station; referee in bankruptcy (but not their staffs); and chief probation officer (but not their staffs).

Rugs and draperies will be provided only for those eligible for executive furniture. Rugs and draperies, where eligible, should be included in the amount for the applicable numbered item.

Estimates furnished herein should not include any Department of Justice elements, such as U.S. marshals, U.S. attorneys, FBI, or otherwise.

2 Appropriations chargeable:

Travel and miscellaneous expenses, U.S. courts-----	\$132,600
Expenses of referees, U.S. courts-----	7,300
Total-----	139,900

ITEM 1. JUDGES, INCLUDING THEIR CHAMBERS, LIBRARY ROOM, STUDIES, AND FURNITURE FOR THE SECRETARY, LAW CLERK, AND BAILIFF

Item	Quantity	Unit cost	Total cost
Desk, conference-type (modernistic)-----	10	\$700.00	\$7,000
Credenza (to match desk)-----	17	300.00	5,100
Desk, secretarial (modernistic)-----	8	400.00	3,200
Desk, 66-inch, wood, walnut-----	5	200.00	1,000
Table, wood, walnut, 4 by 12-foot-----	32	300.00	9,600
Table, wood, walnut, 72-inch-----	5	150.00	750
Chair, lounge, upholstered-----	10	300.00	3,000
Chair, judge's, upholstered-----	10	125.00	1,250
Chair, upholstered, rotary and/or side arm-----	212	60.00	12,720
Bookcase section, wood, walnut-----	120	30.00	3,600
Bookcase, top, wood, walnut-----	30	10.00	300
Bookcase, base, wood, walnut-----	30	15.00	450
Flag and stand-----	10	50.00	500
Carpet-----	23	700.00	16,100
Drapes-----	23	700.00	16,100
Cabinet, file, legal size-----	52	80.00	4,160
Costumer-----	6	+28.00	170
Total-----			85,000

ITEM 2. COURTROOMS, MOVABLE FURNITURE ONLY

Table, conference, wood, walnut, 4 by 12-foot-----	12	350.00	4,200
Chair, upholstered, judge's-----	5	125.00	625
Chair, upholstered, rotary and/or side arm-----	89	60.00	5,340
Flag and stand-----	5	50.00	250
Rack, coat and hat, walnut-----	10	88.50	885
Total-----			11,300

Building: Oklahoma City, Okla. Estimated completion date: Nov. 16, 1961—Con.

ITEM 3. COURT CLERKS AND THEIR STAFFS

Item	Quantity	Unit cost	Total cost
Desk, conference-type, wood, walnut.....	1	\$400.00	\$400
Credenza, wood, walnut.....	1	300.00	300
Desk, wood, walnut, executive-type, 66-inch.....	2	200.00	400
Desk, wood, walnut, standard double pedestal, and typist, 60-inch.....	16	100.00	1,600
Table, wood, walnut, 60-inch.....	16	50.00	800
Table, wood, walnut, executive-type, 72-inch.....	2	150.00	300
Stand, typewriter and telephone.....	20	18.00	360
Chair, upholstered, rotary and/or sidearm.....	12	60.00	720
Chair, wood, walnut, plain, rotary and/or sidearm.....	30	45.00	1,350
Cabinet, file, legal size.....	35	65.00	2,275
Flag and stand.....	1	50.00	50
Carpet.....	1	300.00	300
Drapes.....	1	300.00	300
Costumer, wood, walnut.....	10	12.00	120
Bookcase (sectional) wood, walnut.....	20	30.00	600
Bookcase, top.....	5	10.00	50
Bookcase, base.....	5	15.00	75
Total.....			10,000

ITEM 4. WITNESS, GRAND JURY AND PETIT ROOMS

Table, wood, walnut 60-inch.....	6	\$50.00	\$300
Chair, wood, walnut, plain, rotary and/or sidearm.....	56	45.00	2,520
Couch, upholstered.....	6	80.00	480
Total.....			3,300

ITEM 5. COURT REPORTERS

Desk, wood, walnut, 60-inch.....	8	\$100.00	\$800
Table, wood, walnut, 60-inch.....	4	50.00	200
Chair, upholstered, rotary and sidearm.....	16	60.00	960
Cabinet, file, legal size.....	24	65.00	1,560
Cabinet, stationery.....	7	40.00	280
Total.....			3,800

ITEM 6. COURT LIBRARIES, OTHER THAN JUDGE'S INDIVIDUAL LIBRARY

Table, wood, walnut.....	2	\$300.00	\$600
Chair, upholstered, rotary, and sidearm.....	15	60.00	900
Rug.....	1	500.00	500
Total.....			2,000

ITEM 7. REFEREES IN BANKRUPTCY AND THEIR STAFF

Desk, conference, wood, walnut.....	1	\$400.00	\$400
Table, 72-inch, wood, walnut.....	1	75.00	75
Desk, 60-inch, wood, walnut, typist, and standard double pedestal.....	4	100.00	400
Table, wood, walnut, 60-inch.....	6	50.00	300
Table, conference, wood, walnut.....	2	350.00	700
Chair, wood, walnut, plain, rotary and/or side arm.....	16	45.00	720
Chair, upholstered, rotary and sidearm.....	22	60.00	1,320
Flag and stand.....	2	50.00	100
Cabinet, file, legal size.....	30	65.00	1,950
Chair, judges.....	1	125.00	125
Costumer, wood, walnut.....	3	12.00	36
Rug.....	1	400.00	400
Drapes.....	1	400.00	400
Telephone stand.....	1	74.00	74
Total.....			7,000

Building: Oklahoma City, Okla. Estimated completion date: Nov. 10, 1961—Con.

ITEM 8. PROBATION OFFICERS AND THEIR STAFF

Item	Quantity	Unit cost	Total cost
Desk, conference, wood, walnut.....	1	\$400.00	\$400
Table, wood, walnut, 72-inch.....	1	75.00	75
Desk, wood, walnut, 60-inch.....	8	100.00	800
Table, wood, walnut, 60-inch.....	6	50.00	300
Chair, upholstered, rotary and side arm.....	8	60.00	480
Chair, wood, walnut, plain.....	20	45.00	900
Flag and stand.....	1	50.00	50
Cabinet, file, legal.....	30	65.00	1,950
Rug.....	1	400.00	400
Drapes.....	1	400.00	400
Cabinet, supply.....	6	40.00	240
Costumer, wood, walnut.....	5	12.00	60
Stand, telephone and typewriter.....	8	25.00	200
Bookcase, sectional.....	4	30.00	120
Top, bookcase.....	1	10.00	10
Bookcase, base.....	1	15.00	15
Total.....			6,400

ITEM 9. U.S. COMMISSIONERS AND THEIR STAFF

Desk, wood, walnut, 66-inch.....	1	\$200.00	\$200
Desk, wood, walnut, 60-inch, typist.....	1	100.00	100
Table, conference, wood, walnut.....	2	300.00	600
Chair, judges.....	1	125.00	125
Chair, upholstered, rotary and side arm.....	22	60.00	1,320
Flag and stand.....	1	50.00	50
Cabinet, file, legal.....	6	65.00	390
Cabinet, supply.....	1	40.00	40
Bookcase, sectional.....	5	30.00	150
Bookcase, top.....	1	10.00	10
Bookcase, base.....	1	15.00	15
Total.....			3,000

ITEM 10. ALL OTHER SPACE NOT ITEMIZED ABOVE, INCLUDING BUT NOT LIMITED TO ATTORNEYS, CONFERENCE ROOMS, AND CONFERENCE ROOMS NOT SPECIFICALLY ASSIGNED TO ANY PARTICULAR COURT OFFICE

Table, conference, wood, walnut.....	2	\$350.00	\$700
Chair, upholstered, rotary and sidearm.....	22	60.00	1,320
Costumer, wood, walnut, executive-type.....	2	30.00	60
Table, small (telephone).....	1	20.00	20
Total.....			2,100

Building: Houston, Tex. Estimated completion date: Feb. 24, 1962

Furniture and furnishing requirements:

1. Judges, including their chambers and library, robing room, studies, and furniture for the secretary, law clerk, and bailiff (crier)-----	\$156, 532
2. Courtrooms (movable furniture only; fixed furniture provided in construction contract)-----	46, 964
3. Court clerks and their staffs, including deputy clerks in outlying areas-----	23, 498
4. Witness, grand jury, and petit rooms-----	33, 526
5. Court reporters-----	7, 491
6. Court libraries other than the judges' individual library-----	1, 304
7. Referees in bankruptcy and their staffs-----	9, 279
8. Probation officers and their staffs-----	7, 845
9. U.S. commissioners and their staffs-----	2, 506
10. All other space not itemized above, including but not limited to attorneys' conference rooms, and conference rooms not specifically assigned to any particular court office-----	7, 133
Total furniture and furnishings-----	296, 078
Estimated transportation cost-----	12, 000
Estimated cost of uncrating and placement-----	3, 500
Total estimated cost-----	¹ 311, 578

NOTE

Executive furniture shall be limited to judge (his secretary(s) and law clerks); clerk of court, at headquarters station; referee in bankruptcy (but not their staffs); and chief probation officers (but not their staffs).

Rugs and draperies will be provided only for those eligible for executive furniture. Rugs and draperies, where eligible, should be included in the amount for the applicable numbered item.

Estimates furnished herein should not include any Department of Justice elements, such as U.S. marshals, U.S. attorneys, FBI, or otherwise.

¹ Appropriations chargeable:

Travel and miscellaneous expenses, U.S. courts-----	\$275, 700
Expenses of referees, U.S. courts-----	9, 800
Salaries and expenses, U.S. Customs Court-----	11, 800
U.S. Tax Court (not included in judiciary budget estimates)-----	14, 278
Total-----	311, 578

ITEM 1. U.S. DISTRICT JUDGES OFFICE, JUDGES LAW CLERK OFFICE; APPEALS LAW CLERKS OFFICE; CUSTOMS COURT JUDGE'S OFFICE; COURT OF APPEALS JUDGES SECRETARY OFFICE; COURT OF APPEALS JUDGES OFFICES; DISTRICT JUDGES SECRETARY OFFICES

Item	Federal stock No.	Quantity	Unit cost	Total cost
Chair-----	7110-634-0429	22	\$81.00	\$1,782.00
Do-----	7110-262-6685	280	60.00	16,800.00
Do-----	7110-634-0430	17	135.00	2,295.00
Do-----	7110-034-0899	17	91.00	1,547.00
Do-----	7105-262-6684	34	120.00	4,080.00
Do-----	7110-282-5168	11	28.00	308.00
Desk-----	7110-262-6693	33	197.00	6,501.00
Do-----	7110-262-6694	17	295.00	5,015.00
Do-----	7110-262-6692	11	200.00	2,200.00
Table-----	7110-264-5236	11	55.09	606.00
Do-----	7110-267-6950	28	74.00	2,072.00
Costumer-----	7195-132-6642	28	26.00	728.00
Smoking stand-----	7105-285-6413	67	7.00	469.00
Telephone cabinet-----	7110-264-4561	39	60.00	2,340.00
Desk tray-----	7520-285-5043	56	8.00	448.00
Wastebasket (open market)-----		39	30.00	1,170.00
Bookrack-----	7110-281-5689	56	18.00	1,008.00
Dictionary stand-----	7110-275-6219	12	36.00	432.00
Floormat-----	7220-205-3182	67	3.00	201.00
Davenport-----	7105-264-5221	17	250.00	4,250.00
Glass top for desk (open market)-----		17	50.00	850.00
Glass top for table (open market)-----		17	50.00	850.00
Filing cabinet-----	7110-551-5491	88	35.00	3,080.00
Carpet-----		39	1,250.00	48,750.00
Draperies-----		39	1,250.00	48,750.00
Total-----				156,532.00

Building: Houston, Tex. Estimated completion date: Feb. 24, 1962—Continued

ITEM 2. U.S. DISTRICT COURT ROOMS NOS. 1, 2, 3, AND 4

Item	Federal stock No.	Quantity	Unit cost	Total cost
Chair, judge	7110-634-0430	31	\$135.00	\$4,185.00
Chair	7110-634-0899	31	91.00	2,821.00
Do.	7110-262-6685	157	60.00	9,420.00
Do.	7110-634-0429	105	81.00	8,505.00
Do.	7105-262-6684	14	120.00	1,680.00
Desk	7110-263-6693	12	196.00	2,352.00
Do.	7110-263-6694	1	295.00	295.00
Table	7110-264-5240	17	328.00	5,576.00
Do.	7110-264-5238	13	58.00	754.00
Do.	7110-267-6680	1	74.00	74.00
Do.	7110-267-5236	1	55.00	55.00
Lecturn (open market)		9	112.00	1,008.00
Costumer	7195-132-6642	17	26.00	442.00
Flag and stand	8345-682-6860	8	37.00	296.00
Smoking stand	7105-285-6413	6	7.00	42.00
Telephone cabinet	7110-264-4561	1	61.00	61.00
Desk tray	7520-285-5043	2	8.00	16.00
Bookrack	7110-281-5689	2	18.00	36.00
Wastebasket (open market)		3	30.00	90.00
Floor mat	7220-205-3182	2	3.00	6.00
Draperies		4	1,500.00	6,000.00
Carpet		2	1,500.00	3,000.00
Davenport	7105-264-5221	1	250.00	250.00
Total				46,964.00

ITEM 3. COURT CLERKS AND THEIR STAFFS, INCLUDING DEPUTY CLERKS IN OUTLYING AREAS

Desk	7110-262-6694	1	\$296.00	\$296.00
Do.	7110-262-6693	1	197.00	197.00
Do.	7110-270-9834	20	95.00	1,900.00
Do.	7110-267-6680	1	74.00	74.00
Do.	7110-264-5236	1	55.00	55.00
Do.	7110-262-6672	20	39.00	780.00
Do.	7110-262-6671	1	82.00	82.00
Do.	7110-262-6663	2	38.00	76.00
Glass tops (custom made)		2	50.00	100.00
Chair	7110-634-0430	2	136.00	272.00
Do.	7110-634-0899	1	91.00	91.00
Do.	7110-262-6685	8	60.00	480.00
Do.	7105-262-6684	2	120.00	240.00
Do.	7110-282-5168	20	28.00	760.00
Do.	7110-282-5153	8	43.00	344.00
Do.	7110-282-5169	36	29.00	1,044.00
Telephone cabinet	7110-264-4561	1	61.00	61.00
Supply cabinet	7125-269-8534	8	42.00	336.00
File cabinet	7110-286-3796	150	65.00	9,750.00
Do.	7110-264-5334	3	150.00	450.00
Smoking stand	7105-285-6412	8	7.00	56.00
Do.	7105-285-6413	2	7.00	14.00
Bookcase	7110-290-0368	2	158.00	316.00
Safe (open market)		1	300.00	300.00
Bookrack	7195-275-5825	2	20.00	40.00
Wastebasket	54 B-1200-150	1	30.00	30.00
Desk tray	7520-285-5043	2	8.00	16.00
Davenport	7105-264-5221	1	250.00	250.00
Floor mat	7220-205-3182	22	4.00	88.00
Rugs (contract)				3,000.00
Draperies (open market)				2,000.00
Total				23,498.00

ITEM 4. U.S. JUROR'S ASSEMBLY ROOM, DISTRICT COURT WITNESS ROOMS AND ATTORNEYS COUNCIL ROOMS, PETIT JURY ROOMS, DISTRICT COURT JURY ROOMS, AND DISTRICT COURT GRAND JURY ROOMS

Chair	7105-264-6684	100	\$120.00	\$12,000.00
Do.	7110-262-6685	234	60.00	14,040.00
Do.	7110-634-0429	24	81.00	1,944.00
Table	7110-267-6680	6	74.00	444.00
Do.	7110-264-5240	13	328.00	4,264.00
Do.	7110-264-5236	1	58.50	58.50
Do.	7110-264-5238	1	158.00	158.00
Costumer	7195-132-6642	10	26.00	260.00
Smoking stand	7105-285-6413	55	6.50	357.50
Total				33,526.00

Building: Houston, Tex. Estimated completion date: Feb. 24, 1962—Continued

ITEM 5. U.S. CUSTOMS COURT REPORTER-SECRETARY; COURT REPORTER;
DISTRICT COURT PRESSROOM

Item	Federal stock No.	Quantity	Unit cost	Total cost
Chair.....	7110-282-5168	7	\$28.00	\$196.00
Do.....	7110-262-6685	10	60.00	600.00
Do.....	7110-282-5153	8	43.00	344.00
Do.....	7110-282-5169	12	29.00	348.00
Desk.....	7110-262-6692	1	175.00	175.00
Do.....	7110-262-6693	1	197.00	197.00
Do.....	7110-270-9834	6	95.00	570.00
Table.....	7110-267-6980	1	74.00	74.00
Do.....	7110-262-6672	6	39.00	234.00
Do.....	7110-262-6671	1	82.00	82.00
Costumer.....	7195-132-6642	1	26.00	26.00
Desk tray.....	7520-285-5043	2	8.00	16.00
Smoking stand.....	7105-285-6413	2	7.00	14.00
Wastebasket (open market).....		1	30.00	30.00
Filing cabinet.....	7110-551-5491	4	35.00	140.00
Do.....	7110-280-3796	25	65.00	1,625.00
Cabinet.....	7125-269-8534	6	42.00	252.00
Floormats.....	7220-205-3182	2	3.50	7.00
Telephone cabinet.....	7110-264-4561	1	61.00	61.00
Carpets.....		1	1,250.00	1,250.00
Draperies.....		1	1,250.00	1,250.00
Total.....				7,491.00

ITEM 6. COURT LIBRARIES, OTHER THAN THE JUDGES' INDIVIDUAL LIBRARY

Desk.....	7110-270-9830	1	\$85.00	\$85.00
Table.....	7110-267-6980	3	74.00	222.00
Do.....	7110-262-6672	1	39.00	39.00
Chair.....	7110-282-6685	12	60.00	720.00
Do.....	7110-285-2052	1	67.00	67.00
Do.....	7110-282-5170	2	18.00	36.00
Cabinet, file.....	7110-264-5334	1	100.00	100.00
Do.....	7110-551-5491	1	35.00	35.00
Total.....				1,304.00

ITEM 7. REFEREES IN BANKRUPTCY AND THEIR STAFFS

Desk.....	7110-262-6694	1	\$296.00	\$296.00
Do.....	7110-270-9834	5	95.00	475.00
Desk tray.....	7520-285-5043	2	8.00	16.00
Table.....	7110-262-6672	5	40.00	200.00
Do.....	7110-267-6980	1	74.00	74.00
Do.....	7110-264-5238	2	158.00	316.00
Chair.....	7110-282-5168	5	28.00	140.00
Do.....	7110-234-0899	2	91.00	182.00
Do.....	7110-262-6685	20	60.00	1,200.00
Do.....	7110-634-0430	1	136.00	136.00
Telephone cabinet.....	7110-264-4561	1	61.00	61.00
Costumer, executive.....	7195-132-6642	1	26.00	26.00
Costumer, standard.....	7195-242-3503	3	9.33	28.00
Smoking stand.....	7105-285-6413	2	7.00	14.00
Bookrack.....	7110-281-5089	2	18.00	36.00
Bookcase.....	7110-290-0368	2	158.00	316.00
Wastebasket.....	54B-1200-150	1	30.00	30.00
Floormat.....	7220-205-3182	6	4.00	24.00
File cabinet.....	7110-286-3796	25	65.00	1,625.00
Supply cabinet.....	7125-269-8534	2	42.00	84.00
Drapes.....				2,000.00
Rug.....				2,000.00
Total.....				9,279.00

Building: Houston, Tex. Estimated completion date: Feb. 24, 1962—Continued

ITEM 8. PROBATION OFFICERS AND THEIR STAFFS

Item	Federal stock No.	Quantity	Unit cost	Total cost
Desk.....	7110-263-6663	1	\$197.00	\$197.00
Do.....	7110-270-9847	6	85.00	450.00
Do.....	7110-270-9834	5	95.00	475.00
Table.....	7110-264-5236	1	55.00	55.00
Do.....	7110-262-6672	11	39.36	433.00
Chair.....	7110-634-6809	1	91.00	91.00
Do.....	7110-262-6685	4	60.00	240.00
Do.....	7110-282-5153	6	43.00	258.00
Do.....	7110-282-5169	25	29.00	725.00
Do.....	7110-282-5168	5	28.00	140.00
Cabinet, telephone.....	7110-264-4561	1	61.00	61.00
Bookcase.....	7110-290-0368	2	158.00	316.00
Cabinet, file.....	7110-286-3796	25	65.00	1,625.00
Cabinet, supply.....	7125-269-8334	4	42.00	168.00
Stand, smoking.....	7105-285-6413	8	7.00	56.00
Costumer.....	7195-243-3303	6	9.17	55.00
Carpet.....				1,300.00
Draperies.....				1,200.00
Total.....				7,845.00

ITEM 9. U.S. COMMISSIONERS AND THEIR STAFFS

Desk.....	7110 262 6693	1	\$197.00	\$197.00
Table.....	7110-264-5236	3	55.00	165.00
Chair.....	7110-264-0429	2	81.00	162.00
Wastebasket.....	54B-1200-150	1	30.00	30.00
Smoking stand.....	7105-285-6413	2	7.00	14.00
Floor mat.....	7230-205-3182	2	4.00	8.00
File cabinet.....	7110-264-4561	4	61.00	244.00
Chair.....	7110-634-0430	1	136.00	136.00
Do.....	7110-262-6685	25	60.00	1,500.00
Costumer.....	7195-132-6642	2	26.00	52.00
Total.....				2,506.00

ITEM 10. ALL OTHER SPACE NOT ITEMIZED ABOVE, INCLUDING BUT NOT LIMITED TO ATTORNEYS' CONFERENCE ROOMS, AND CONFERENCE ROOMS NOT SPECIFICALLY ASSIGNED TO ANY PARTICULAR COURT OFFICE

Table.....	7110-264-5240	4	\$328.00	\$1,312.00
Do.....	7110-264-5236	1	55.00	55.00
Chair.....	7110-262-6685	40	60.00	2,400.00
Do.....	7105-262-6684	6	120.00	720.00
Costumer.....	7195-132-6642	4	26.00	104.00
Smoking stand.....	7105-285-6413	6	7.00	42.00
Carpets and drapes, rooms 1181-1194.....				2,500.00
Total.....				7,133.00

Building: CT, FOB, Parkersburg, W. Va.		Estimated Completion Date: January, 1962	
Furniture and Furnishings Requirements:		Original Estimate	Revised Estimate
1. Judges, including their chambers and library, ruling room, studies, and furniture for the secretary, law clerk and bailiff (attorneys).	\$ 7,460.00		3,859.71
2. Courtrooms (movable furniture only. Fixed furniture provided in construction contract).	\$ 5,180.00		3,076.09
3. Court clerks and their staffs, including deputy clerks in outlying areas.	\$ 2,285.00		1,396.36
4. Witness, grand jury and petit rooms.	\$ 1,800.00		1,766.35
5. Court reporters.	\$ 405.00		403.76
6. Court libraries other than the judges' individual library.	\$ --		--
7. Referees in Bankruptcy and their staffs.	\$ --		--
8. Probation Officers and their staffs.	\$ 550.00		518.27
9. U. S. Commissioners and their staffs.	\$ 600.00		
10. All other space not itemized above, including but not limited to attorneys' conference rooms, and conference rooms not specifically assigned to any particular court office.			586.45
		Carpets and Drapes	4,250.00
			500.00
Total furniture and furnishings.	\$ 18,280.00		17,186.99
Estimated transportation cost.	\$ 2,000.00		
Estimated cost of unloading and placement.	\$ 1,500.00		
Total estimated cost.	\$ 21,780.00 *		

* Distributed above in original estimate.

Consolidated on Requisition.

APPROPRIATION CHARGEABLE. *

Travel and Miscellaneous Expenses, U. S. Courts \$ 20,686.99

GENERAL SERVICES ADMINISTRATION		1. REQUISITION NO.		2. STOCKROOM CONTROL NO.	
REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES		3. FISCAL YEAR		4. FISCAL YEAR CODE NO.	
(Indicate item or service)		5. DATE PREPARED		6. AGENCY	
Federal Supply Service 3823		August 16, 1940		Buildings Manager, Clarkburg Group Room 307-09 New Post Office Building Clarkburg, West Virginia	
7. AGENCY OF ORIGIN (Indicate agency or office)		8. SIGNATURE OF APPROVING OFFICER			
9. AGENCY OF ORIGIN (Indicate agency or office)		10. SIGNATURE OF APPROVING OFFICER			
11. AGENCY OF ORIGIN (Indicate agency or office)		12. SIGNATURE OF APPROVING OFFICER			
13. AGENCY OF ORIGIN (Indicate agency or office)		14. SIGNATURE OF APPROVING OFFICER			
15. AGENCY OF ORIGIN (Indicate agency or office)		16. SIGNATURE OF APPROVING OFFICER			
17. AGENCY OF ORIGIN (Indicate agency or office)		18. SIGNATURE OF APPROVING OFFICER			
19. AGENCY OF ORIGIN (Indicate agency or office)		20. SIGNATURE OF APPROVING OFFICER			
21. AGENCY OF ORIGIN (Indicate agency or office)		22. SIGNATURE OF APPROVING OFFICER			
23. AGENCY OF ORIGIN (Indicate agency or office)		24. SIGNATURE OF APPROVING OFFICER			
25. AGENCY OF ORIGIN (Indicate agency or office)		26. SIGNATURE OF APPROVING OFFICER			
27. AGENCY OF ORIGIN (Indicate agency or office)		28. SIGNATURE OF APPROVING OFFICER			
29. AGENCY OF ORIGIN (Indicate agency or office)		30. SIGNATURE OF APPROVING OFFICER			
31. AGENCY OF ORIGIN (Indicate agency or office)		32. SIGNATURE OF APPROVING OFFICER			
33. AGENCY OF ORIGIN (Indicate agency or office)		34. SIGNATURE OF APPROVING OFFICER			
35. AGENCY OF ORIGIN (Indicate agency or office)		36. SIGNATURE OF APPROVING OFFICER			
37. AGENCY OF ORIGIN (Indicate agency or office)		38. SIGNATURE OF APPROVING OFFICER			
39. AGENCY OF ORIGIN (Indicate agency or office)		40. SIGNATURE OF APPROVING OFFICER			
41. AGENCY OF ORIGIN (Indicate agency or office)		42. SIGNATURE OF APPROVING OFFICER			
43. AGENCY OF ORIGIN (Indicate agency or office)		44. SIGNATURE OF APPROVING OFFICER			
45. AGENCY OF ORIGIN (Indicate agency or office)		46. SIGNATURE OF APPROVING OFFICER			
47. AGENCY OF ORIGIN (Indicate agency or office)		48. SIGNATURE OF APPROVING OFFICER			
49. AGENCY OF ORIGIN (Indicate agency or office)		50. SIGNATURE OF APPROVING OFFICER			
51. AGENCY OF ORIGIN (Indicate agency or office)		52. SIGNATURE OF APPROVING OFFICER			
53. AGENCY OF ORIGIN (Indicate agency or office)		54. SIGNATURE OF APPROVING OFFICER			
55. AGENCY OF ORIGIN (Indicate agency or office)		56. SIGNATURE OF APPROVING OFFICER			
57. AGENCY OF ORIGIN (Indicate agency or office)		58. SIGNATURE OF APPROVING OFFICER			
59. AGENCY OF ORIGIN (Indicate agency or office)		60. SIGNATURE OF APPROVING OFFICER			
61. AGENCY OF ORIGIN (Indicate agency or office)		62. SIGNATURE OF APPROVING OFFICER			
63. AGENCY OF ORIGIN (Indicate agency or office)		64. SIGNATURE OF APPROVING OFFICER			
65. AGENCY OF ORIGIN (Indicate agency or office)		66. SIGNATURE OF APPROVING OFFICER			
67. AGENCY OF ORIGIN (Indicate agency or office)		68. SIGNATURE OF APPROVING OFFICER			
69. AGENCY OF ORIGIN (Indicate agency or office)		70. SIGNATURE OF APPROVING OFFICER			
71. AGENCY OF ORIGIN (Indicate agency or office)		72. SIGNATURE OF APPROVING OFFICER			
73. AGENCY OF ORIGIN (Indicate agency or office)		74. SIGNATURE OF APPROVING OFFICER			
75. AGENCY OF ORIGIN (Indicate agency or office)		76. SIGNATURE OF APPROVING OFFICER			
77. AGENCY OF ORIGIN (Indicate agency or office)		78. SIGNATURE OF APPROVING OFFICER			
79. AGENCY OF ORIGIN (Indicate agency or office)		80. SIGNATURE OF APPROVING OFFICER			
81. AGENCY OF ORIGIN (Indicate agency or office)		82. SIGNATURE OF APPROVING OFFICER			
83. AGENCY OF ORIGIN (Indicate agency or office)		84. SIGNATURE OF APPROVING OFFICER			
85. AGENCY OF ORIGIN (Indicate agency or office)		86. SIGNATURE OF APPROVING OFFICER			
87. AGENCY OF ORIGIN (Indicate agency or office)		88. SIGNATURE OF APPROVING OFFICER			
89. AGENCY OF ORIGIN (Indicate agency or office)		90. SIGNATURE OF APPROVING OFFICER			
91. AGENCY OF ORIGIN (Indicate agency or office)		92. SIGNATURE OF APPROVING OFFICER			
93. AGENCY OF ORIGIN (Indicate agency or office)		94. SIGNATURE OF APPROVING OFFICER			
95. AGENCY OF ORIGIN (Indicate agency or office)		96. SIGNATURE OF APPROVING OFFICER			
97. AGENCY OF ORIGIN (Indicate agency or office)		98. SIGNATURE OF APPROVING OFFICER			
99. AGENCY OF ORIGIN (Indicate agency or office)		100. SIGNATURE OF APPROVING OFFICER			

GENERAL SERVICES ADMINISTRATION		1. REQUISITION NO.		2. STOCK/CONTRACT NO.	
REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES		3. FUND NO.		4. FISCAL YEAR	
5. DATE OF ORDER		6. DATE RECEIVED		7. DATE SHIPPED	
TO: (Name and address)		August 16, 1960			
Federal Supply Service 3F08		Buildings Manager, Clarkburg Group Room 377-09 New Post Office Building Clarkburg, West Virginia			
8. BUDGET AND FUNDING ACCOUNT LINE ITEM		10. SIGNATURE OF APPROVING OFFICIAL			
11. POST OFFICE BOX OR MAILING ADDRESS (If different from 8.)		12. USE			
D. J. Denney, Clarkburg Main 2-5600		Property & Equipment Section			
FORM OR STOCK NO.	DESCRIPTION OF ARTICLES OR SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
7110-264-5239	TABLE: Size 6., 96X36, Walnut,	1	Each	205.43	205 43
7110-264-5343	CHAIR: Wood, walnut, Type II, Style B. (Exec.) Leather upholst. Color: 8F5-L. With arms.	1	"	135.00	135 00
7110-264-5344	CHAIR: Type II, Style A., rotary, posture type, typist with leather upholstered seat & back. Color: 2F5-L.	1	"	91.00	91 00
7110-267-6980	TABLE: Size 6., 72X36, Walnut	1	"	73.57	73 57
7110-261-5689	SACK: Display, book, walnut	1	"	17.45	17 45
7110-266-3796	FILING CABINET: 5-drawer, legal size with lock, WALNUT FINISHED	2	"	Est. 75.00	150 00
7110-634-0429	CHAIR: Type P, Style B., Rotary, Class 1.	1	"	80.62	80 62
7195-132-6642	COUNTER: Walnut, h-book assembly	2	"	25.97	51 94
7520-265-5043	TRAYS: Book, walnut, legal size	2	"	7.96	15 92
Unknown	WASTEPAPER BASKET, Walnut, square	3	"	Est. 7.50	22 50
Unknown	FILING CABINET: 4-drawer, legal size, WALNUT FINISHED	5	"	Est. 75.00	225 00
13. ORDER TO (Name and address)		14. SHIPPED BY		15. TOTAL	
U. S. Court House Jailhouse & 4th Streets Martinsburg, West Virginia		<input type="checkbox"/> FREIGHT <input type="checkbox"/> TARIFF <input type="checkbox"/> POST <input type="checkbox"/> INSURANCE <input type="checkbox"/> OTHER		559 71	
16. THE ABOVE ITEMS OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE		17. DATE RECEIVED		18. DATE SHIPPED	
SIGNATURE		DATE			

(Properties of nonexpendable items to be fully justified on form of requisition)

OSL FORM 39
APR 1957

GENERAL SERVICES ADMINISTRATION		REQUISITION NO.		2. QUANTITY	
REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES		3. DATE		4. QUANTITY	
(When filled in by Requirer)		August 16, 1960			
Federal Supply Service 3788		Building Manager, Clarksburg Green Rooms 307-09 New Post Office Building Clarksburg, West Virginia			
AGREEMENT AND EXTENSION ACCOUNT CHARGES		SIGNATURE OF APPROVING OFFICE			
FOR INFORMATION ONLY: (Do not fill in unless required)		11. TITLE			
D. J. Danley, Clarksburg Main 2-5602		Property & Equipment Section			
FORM OR STOCK NO.	DESCRIPTION OF ARTICLES OR SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
COURT REPORTER	BOOK NO. 515				
7110-242-6663	TABLE: Gray, steel, Size 60X36	1	Each	38.00	38 00
7110-242-6690	CHAIR: Swivel, rotary posture type, padded back, gray, steel	1	"	43.55	43 55
7110-273-0782	CHAIR: With arms, padded back & seat, gray, steel	2	"	16.25	32 50
7110-273-0798	CHAIR: Rotary, Posture type, with leather upholstered seat and adjustable back, gray, steel	1	"	30.50	30 50
7110-281-5689	RACK: Display, back, walnut	1	"	17.15	17 15
7110-286-3796	CABINET: Filing, 5-drawer, legal size, gray, steel	1	"	65.00	65 00
7125-269-8534	CABINET: Storage, gray, steel, Size 36W x 28D x 72H	1	"	41.70	41 70
7195-275-5824	RACK: Wearing apparel, gray, steel	1	"	11.15	11 15
7520-281-5913	WASTEPAPER BASKET, Square, gray, steel	1	"	2.26	2 26
7520-286-5796	TRAY, Dish, legal size, gray, steel	1	"	1.35	1 35
Unknown	DESK: Typewriter with center drop, metal, gray, steel. (Special Item)	1	"	Est. 100.00	100 00
19. DELIVER TO (Give complete address)		20. SHIPPED VIA		TOTAL	
U. S. Court House Julian & 4th Streets Parkersburg, West Virginia		<input type="checkbox"/> REGULAR <input type="checkbox"/> AIR MAIL <input type="checkbox"/> EXPRESS <input type="checkbox"/> MAIL		203 76	
21. PAID BY		22. PAID BY		23. CHECK NO.	
24. BILL OF LADING NO.				25. DATE SHIPPED	
26. THE ABOVE ITEMS OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE					
SIGNATURE		TITLE		DATE	

(Indication of responsibility shall be fully justified on basis of responsibility)

GSA FORM 65
JUNE 1957

GENERAL SERVICES ADMINISTRATION		REQUISITION NO.		FISCAL YEAR (MONTH, YEAR)			
REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES		DATE FORWARDED		APPROVED BY			
(Indicate by checkmark)		August 16, 1960					
TO (Organization - Name and Address)		FROM (Department - Name and Address)					
Federal Supply Service C		Building Manager, Clarkburg Group Room 107-09 New Post Office Building Clarkburg, West Virginia					
ACCOUNTING AND FINANCE ACCOUNTS CHARGED TO		SIGNATURE OF APPROVING OFFICER					
FOR INFORMATION (See instructions on back of form)		DATE					
D. J. Donley, Clarkburg Main 2-5602		Property & Equipment Section					
FORM OR STOCK NO.		DESCRIPTION OF ARTICLES OR SERVICES		QUANTITY	UNIT	UNIT PRICE	AMOUNT
				(Qty)	(Unit)	(Per)	(Total)
PROBATION OFFICER. ROOMS NO. 506, 507:							
7105-205-5444	SWIVEL STAIR: chrome with seal-rackling base	2	Each	5.75	11	50	
7110-262-6650	SECTION: BOOKCASE, Gray, Steel	1	"	17.10	68	40	
7110-262-6673	BASE: BOOKCASE, Gray, Steel	1	"	7.50	7	50	
7110-262-6681	TOP: BOOKCASE, Gray, Steel	1	"	4.40	1	40	
7110-270-9830	DESK: Typewriter, gray, steel, size 60x36, left pedestal	1	"	95.00	95	00	
7110-270-9840	DESK: Flat top, gray, steel, size 60x36, double pedestal	1	"	95.00	95	00	
7110-273-8782	CHAIR: Straight with arms, satin finished alum. alloy; padded back & seat	8	"	16.25	130	00	
7110-273-8793	CHAIR: Clerical w/padded arms & back, gray, steel, cushion seat, fixed base	1	"	25.00	25	00	
7110-273-8795	CHAIR: Rotary, Posture Type with adj. upholstered spring back, gray, steel	1	"	38.50	38	50	
7110-886-3796	CABINETS: Filing, Legal Size, 5-drawer with lock, gray, steel	1	"	65.00	65	00	
19. DELIVER TO (Give complete address):		20. SHIPPED VIA		TOTAL			
U. S. Court House Adams & 4th Streets Parkersburg, West Virginia		<input type="checkbox"/> FREIGHT <input type="checkbox"/> PARCEL POST <input type="checkbox"/> EXPRESS <input type="checkbox"/> MAIL					
		21. FREIGHT BY		22. CHECKED BY			
		23. BILL OF LADING NO.		24. DATE SHIPPED			
25. THE ABOVE ITEMS OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE		26. SIGNATURE		DATE			
		100					

(Acquisition of non-purchase items to be fully justified on face of requisition)

GSA FORM 87
APR. 1957

GENERAL SERVICES ADMINISTRATION		REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES	
1. TO (Check one - name and address)		2. FROM (Check one - name and address)	
Federal Supply Service PMH		Buildings Manager, Clarksbury Census Rooms 307-09 New Post Office Building Clarksbury, West Virginia	
3. QUANTITY AND EXTEND ACCOUNTS (Check one)		4. DATE PREPARED	
D. J. Danley, Clarksbury MAIN 8-5602		August 16, 1960	
5. THE INFORMATION CALL (Check one - name and address)		6. SIGNATURE OF PREPARING OFFICE	
D. J. Danley, Clarksbury MAIN 8-5602			
7. ITEM OR STOCK NO.		8. DESCRIPTION OF ARTICLES OR SERVICES	
9. QUANTITY		10. UNIT	
11. UNIT PRICE		12. AMOUNT	
PROPERTY & Equipment Section			
PRODUCTION OFFICER: ROOMS 506, 507 (Continued)			
7195-275-580h	RACK: Wearing apparel, 6-hat cap. Gray, Steel	1	Each 11.45
7520-281-5913	WASTEPAPER BASKET: Gray, Steel, Square	2	" 2.35
ROOM 519		RECOMMENDED FOR USE AS CONFERENCE ROOM FOR ATTORNEYS	
7105-285-641h	SMOKING STAND: Chrome with semi-rocking base	2	" 5.75
7110-262-6685	CHAIR: Wooden, Walnut, Leather upholstered with Arms, Type I., (Succ.) Color: BPS-4	8	" 60.75
7110-267-6980	TABLE: Wood, Walnut, Office, Size 6 (72X35)	1	" 78.17
7195-275-582h	RACK: Wearing Apparel, 6-hat cap. gray, steel	2	" 21.45
None	WASTEPAPER BASKET, Walnut, Square	1	" Est. 5.00
13. DELIVER TO (Check one - name and address)		14. FREIGHT	
U. S. Court House		<input type="checkbox"/> FREIGHT <input type="checkbox"/> FREIGHT <input type="checkbox"/> EXPRESS <input type="checkbox"/> MAIL	
Jenkins & 4th Streets		21. FREIGHT BY	
Parkersburg, West Virginia		22. FREIGHT BY	
23. BILL OF LADING NO.		24. CHECKED BY	
25. THE ABOVE ITEMS OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE		26. DATE SHIPPED	
SIGNATURE		DATE	

(Acquisition of nonperishable items to be fully justified on form of requisition)

GSA FORM 47
APRIL 1957

GENERAL SERVICES ADMINISTRATION		REQUISITION NO.		2. FISCAL YEAR (FUND NO.)	
REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES		1. FUND NO.		3. FISCAL YEAR (FUND NO.)	
4. DATE RECEIVED		5. DATE OF ORDER		6. DATE OF DELIVERY	
Federal Supply Service 3FPM		August 16, 1960			
7. NAME AND ADDRESS OF AGENCY OR OFFICE		8. NAME AND ADDRESS OF SUPPLIER			
D. J. Donley, Clarksburg MAIN 2-5502		Buildings Manager, Clarksburg Group Room 307-09 New Post Office Building Clarksburg, West Virginia			
9. SIGNATURE OF AGENCY OFFICIAL		10. SIGNATURE OF SUPPLIER OFFICIAL			
11. PROPERTY & EQUIPMENT SECTION					
12. FORM OR STOCK NO.	13. DESCRIPTION OF ARTICLE OR SERVICE	14. QUANTITY	15. UNIT	16. UNIT PRICE	17. AMOUNT
ROOMS:	ROOMS NO. 1001, 521				
7105-286-601h	SMOKING STAND: Chrome, with semi-rocking base	8	Each	5.75	46 00
7110-262-6663	TABLE, Gray, Steel, Size 60x36	4	"	38.00	152 00
7110-269-6690	CHAIR: Swivel, rotary picture type with arms; padded back & seat, gray steel	1	"	63.55	63 55
7110-270-9810	DESK: Flat top, gray, steel, Size 60x36, double pedestal	1	"	95.00	95 00
7110-273-8762	CHAIR: Arm, Straight w/padded back & seat, gray, steel	42	"	16.25	682 50
7195-275-582h	RACK: Working apparel, 6-hat cap., gray, steel	1	"	11.45	11 45
7195-275-5825	RACK: Working apparel, 12-hat capacity, gray, steel	3	"	19.80	59 40
7195-282-5913	WASTEPAPER BASKET, Gray, Steel Square	2	"	2.26	4 52
18. DELIVER TO (Give complete address)		19. SHIPPED VIA		TOTAL	
U. S. Court House Jefferson & 4th Streets Parkersburg, West Virginia		<input type="checkbox"/> FREIGHT <input type="checkbox"/> PARCEL POST <input type="checkbox"/> EXPRESS <input type="checkbox"/> MAIL			
20. PREPARED BY		21. PACKED BY		22. CHECKED BY	
23. NO. OF LADING NO.		24. DATE SHIPPED		25. DATE RECEIVED	
26. THE ABOVE ITEMS OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE		27. SIGNATURE		28. DATE	
		29. SIGNATURE		30. DATE	

(Indication of change in price or quantity in the table justified on basis of requisition)

GSA FORM 47
JUNE 1957

GENERAL SERVICES ADMINISTRATION REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES		1. REQUISITION NO. 7		2. FISCAL YEAR August 16, 1964		
3. AGENCY USE ONLY Federal Supply Service JFSM		4. LOCATION OF OFFICE Buildings Manager, Clarkburg Group Room 307-09 New Post Office Building Clarkburg, West Virginia		5. DATE August 16, 1964		
6. AUTHORITY AND OFFICE OF ORIGIN (SEE 41 CFR 101-11.6)		7. TITLE OF APPROVING OFFICE Property & Equipment Section		8. DATE		
9. D. J. Denley, Clarkburg Main 2-5602		10. DESCRIPTION OF ARTICLES OR SERVICES (SEE 41 CFR 101-11.6)		11. QUANTITY UNIT	12. UNIT PRICE UNIT PRICE	13. AMOUNT UNIT PRICE
WITNESS ROOMS:		ROOMS NO. 522, 528, 521				
7105-786-6614	SHOAKING STAND: Chrome, w/semi-rocking base	6	Each	5.75	34	50
7110-273-8785	CHAIR: Straight, without arms, gray, steel	45	"	12.35	551	75
7135-275-5825	HACK: Working Apparel, 12-hat Cap.	3	"	17.00	59	40
7520-281-5913	WASTEPAPER BASKET: Gray, Steel, Square	3	"	2.26	6	78
CARPETING: Red Velvet Pile, similar to that currently used in Court rooms. To be cut to size following delivery.		125	Sq. Yds.	10.62	1325	00
DRAPERIES: To be made to order for 17 windows in Executive Suite		17	Pr.	300	500	00
14. DELIVER TO (SEE 41 CFR 101-11.6)		15. SHIPPED VIA <input type="checkbox"/> FREIGHT <input type="checkbox"/> PARCEL POST <input type="checkbox"/> EXPRESS <input type="checkbox"/> MAIL		TOTAL		
U. S. Court House Juliana & 4th Streets Parkersburg, West Virginia		16. PAID BY		17. CHECKED BY		
18. BILL OF LADING NO.		19. DATE SHIPPED				
20. THE ABOVE ITEMS OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE SIGNATURE		TITLE		DATE		

(Acquisition of non-perishable items is fully justified on basis of requirement)

GSF FORM 49
APRIL 1957



GENERAL SERVICES ADMINISTRATION		1. REQUISITION NO.		2. STOCKROOM CONTROL NO.	
REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES		3. PAGE NO. 8 OF 8 PAGES		4. STOCKROOM CODE NO.	
5. DATE PREPARED August 16, 1960		6. FROM (Requesting point - name and location) Buildings Manager, Clarksborg Group Room 307-09 New Post Office Building Clarksburg, West Virginia		7. FOR NO.	
8. FEDERAL SUPPLY SERVICE 3F88		9. SIGNATURE OF APPROVING OFFICER			
10. EQUIPMENT AND EXPENSE ACCOUNTS (Check one)		11. TITLE			
12. J. J. Danley, Clarksborg Main 2-5602		Property & Equipment Section			
13. DESCRIPTION OF ARTICLES OR SERVICES (14)		QUANTITY (15)	UNIT (16)	UNIT PRICE (17)	AMOUNT (18)
COURT ROOM:	ROOM NO. 559:				
7105-227-1678	CHAIR: Folding, Walnut finish, wooden with padded seat & back	60	Each	9.65	579 00
7110-264-5236	TABLE: Wooden, Walnut, Size 4., (48x36") (Exec.) with chamfered corners.	1	"	58.03	58 03
7110-257-6980	TABLE: Wooden, Walnut, Size 6., (72x36") (Exec.) with chamfered corners	3	"	78.17	234 51
7110-282-5155	CHAIR: Rotary, posture type with wooden seat, slat back without arms	1	"	23.75	23 75
7110-282-5169	CHAIR: Straight, Walnut, regular type with arms	32	"	29.00	928 00
Unknown	WASTEPAPER BASKET, Walnut, square	6	" Est.	5.00	30 00
Unknown	CHAIR: Juvet, Swivel type for bolting to floor. Leather upholst. Color: BFS-9.	14	"	73.00	1022 00
Unknown	CHAIR: Judges, Standard, with leather upholstery. Color: BFS-9	1	" Est.	150.00	150 00
Unknown - but similar to item 7110-282-5153	CHAIR: Posture type, Swivel on casters, with arms, slat back, Walnut, leather uph. seat & back. Color: BFS-9	20	" Est.	42.50	850 00
19. DELIVER TO (Give complete address) U. S. Court House Arkansas & 4th Streets Parkersburg, West Virginia		20. SHIPPED VIA <input type="checkbox"/> AIRMAIL <input type="checkbox"/> PARCEL POST <input type="checkbox"/> EXPRESS <input type="checkbox"/> MAIL			
21. FILED BY		22. PACKED BY		23. CHECKED BY	
24. BILL OF LADING NO.				25. DATE SHIPPED	
26. THE ABOVE ITEMS OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE					
LOCATION				DATE	

Approval of nonresponsibility shall be fully justified on face of requisition

GSA FORM 49
APRIL 1957



GENERAL SERVICES ADMINISTRATION		REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES			
INSTRUCTIONS ON REVERSE		9			
FEDERAL SUPPLY SERVICE 3PM		August 16, 1960			
D. J. Denley, Clarksburg Main 2-5602		Buildings Manager, Clarksburg Group Rooms 307-C9 New Post Office Building Clarksburg, West Virginia			
PROPERTY & EQUIPMENT SECTION					
CLERK OF COURT:	ROOMS No. 515, 516:	QUANTITY	UNIT	UNIT PRICE	AMOUNT
7110-262-6648	SECTION: Bookcase, gray, steel, size 1h-3/4"	4	Each	16.45	65 80
7110-262-6673	BASE: Bookcase, gray, steel	1	"	7.50	7 50
7110-262-6681	TOP: Bookcase, gray, steel	1	"	4.40	4 40
7110-262-6690	CHAIR: Rotary with arms, upholst. adjustable spring seat	4	"	63.95	255 80
7110-267-6981	TABLE: Office, gray, steel, size 45x34"	1	"	32.50	32 50
7125-269-8534	CABINET: Storage, gray, steel, set up.	2	"	41.70	83 40
7110-270-9838	DESK: Typewriter, gray, steel, size 60x34, left pedestal	1	"	85.00	85 00
7110-270-9840	DESK: Flat top, gray, steel, size 60x34, double pedestal	2	"	85.00	170 00
7110-273-8774	CABINET: Filing, metal, gray, for 3x5 cards	4	"	4.15	16 60
7110-273-8776	CABINET: Filing, metal, gray, for 5x8 cards	4	"	6.35	25 40
7110-273-8782	CHAIR: Straight w/arms, padded back & seat, gray, steel	12	"	16.25	195 00
U. S. Court House Julius & Eth Streets Perkinsburg, West Virginia		TOTAL			
20 SHIPPED VIA <input type="checkbox"/> FREIGHT <input type="checkbox"/> PARCEL POST <input type="checkbox"/> EXPRESS <input type="checkbox"/> MAIL		21 PACKED BY		22 THE ABOVE EQUIPMENT OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE	
		23 CHECKED BY		SIGNATURE	
		24 BILL OF LADING NO.		TITLE	
		25 DATE SHIPPED		DATE	

(Acquisition of nonexpendable items to be fully justified on face of requisition)

CSA FORM 49
AUGUST 58

GENERAL SERVICES ADMINISTRATION		PROPERTY SECTION		PROPERTY CONTROL UNIT	
REQUISITION FOR EQUIPMENT, SUPPLIES, OR SERVICES		FISCAL YEAR 10		FISCAL MONTH 10	
DATE OF REQUISITION August 16, 1960		REQUISITION NUMBER 10		PROPERTY CONTROL UNIT 10	
Federal Supply Service		Buildings Manager, Clarksburg Group Room 307-09 New Post Office Building Clarksburg, West Virginia			
D. J. Denley, Clarksburg Main 2-5002		Property & Equipment Section			
FORM OR STOCK NO.	DESCRIPTION OF ARTICLES OR SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
(1)	(2)	(3)	(4)	(5)	(6)
CLERK OF COURT - ROOMS NO. 515, 516 - Continued					
7110-273-3791	CHAIR: Rotary, posture type, typist w/adjustable back, gray, steel	1	Each	23.00	23 00
7110-281-5689	RACK: Display, book	2	"	7.45	7 45
7110-286-3796	FILING CABINET: Legal size, 5-drawer, with lock, gray, steel	6	"	65.00	390 00
7195-275-5624	RACK: Wearing apparel, gray, steel, 6-hat capacity	2	"	11.45	22 90
7520-286-5796	TRAY: Desk, legal size, gray, steel	3	"	1.35	4 05
7520-281-5913	WASTEPAPER BASKET: gray, steel, square	4	"	2.26	9 04
7520-496-2448	SUPPORT SET: Post type for stacking desk trays	1	Set	.12	12
				TOTAL	471.86 99
3. DELIVER TO (List complete address)		20. SHIPPED VIA		21. CHECKED BY	
D. S. Court House Juliana & 4th Streets Parkersburg, West Virginia		<input type="checkbox"/> FREIGHT <input type="checkbox"/> PARCEL POST <input type="checkbox"/> EXPRESS <input type="checkbox"/> MAIL		22. DATE SHIPPED	
		23. PAID BY		24. BILL OF LADING NO.	
25. THE ABOVE ITEMS OR SERVICES WERE RECEIVED EXCEPT AS INDICATED ABOVE		26. SIGNATURE		27. DATE	

1396.36

(Appropriation of non-expendable items to be fully justified on face of requisition)

GSA FORM 49
APRIL 1957

Building: Courthouse, Federal Office Building, Brooklyn, N.Y., estimated completion date, July 1, 1962

Furniture and furnishing requirements:

1. Judges, including their chambers and library, robing room, studies, and furniture for the secretary, law clerk and bailiff (crier)-----	\$37,300
2. Courtrooms (movable furniture only. Fixed furniture provided in construction contract)-----	42,238
3. Court clerks and their staffs, including deputy clerks in outlying areas-----	5,463
4. Witness, grand jury and petit rooms-----	14,166
5. Court reporters-----	6,250
6. Court libraries other than the judges' individual library-----	1,595
7. Referees in bankruptcy and their staffs-----	8,494
8. Probation officers and their staffs-----	4,292
9. U.S. commissioners and their staffs-----	2,586
10. All other space not itemized above, including but not limited to attorneys' conference rooms, and conference rooms not specifically assigned to any particular court office-----	-----
Total furniture and furnishings-----	122,384
Estimated transportation cost-----	4,900
Estimated cost of uncrating and placement-----	1,816
Total estimated cost-----	¹ 129,100
¹ Appropriations chargeable:	
Travel and miscellaneous expenses, U.S. courts-----	\$120,100
Expenses of referees, U.S. courts-----	9,000
Total-----	129,100

NEW YORK, N.Y., February 21, 1961.

MR. CARL E. RANTZOW,
Assistant Commissioner for Building Managements, Public Buildings Service,
General Services Administration, Washington, D.C.:

In compliance with request from L. Eten by telephone, there follows a complete itemization of the estimate for furniture requirements for the courts at the new Court House and Federal office building, Brooklyn, N.Y.:

ITEM 1	
6 desks, at \$291-----	\$1,746.00
6 judges chairs, at \$120-----	720.00
12 easy chairs, at \$106-----	1,272.00
60 armchairs, at \$45-----	2,700.00
12 smoking stands, at \$5.50-----	66.00
6 davenportes at \$220-----	1,320.00
6 tables, 96 x 48 inches, at \$208-----	1,248.00
6 tables, 48 x 30 inches, at \$56-----	336.00
6 desk lamps, at \$20-----	120.00
12 floor lamps, at \$25-----	300.00
6 table lamps, at \$28.67-----	172.02
Subtotal-----	\$10,000.02
Secretaries and clerks offices:	
Carpeting, 630 square yards, at \$10-----	\$6,300.00
Draperies, 18 pair, at \$200-----	3,600.00
12 desks, at \$200-----	2,400.00
12 chairs, at \$60-----	720.00
12 tables, at \$32-----	384.00
12 lamps, at \$20-----	240.00
30 cabinets, at \$65.00-----	1,956.00
Judges Chambers:	
Carpeting, 720 square yards, at \$10-----	7,200.00
Draperies, 9 pairs, at \$500-----	4,500.00
Total-----	37,300. ⁰²

ITEM 2

Carpeting finished courtroom, 1,544 square yards, at \$10	\$15,440.00
Unfinished courts:	
Carpeting, 320 square yards, at \$10	3,200.00
Chairs, swivel, upholstered, 2, at \$112	224.00
Chairs, jury, swivel, 25, at \$32	800.00
Tables, courtroom, 4, at \$330	1,320.00
Chairs, straight, 24, at \$30	720.00
Lamps, 6, at \$25	150.00
Jury wheel, 2, at \$45	90.00
Judges' chairs, with headrest, 27, at \$200	5,400.00
Chairs, wooden, with arm, 135, at \$22.60	3,051.00
Coatracks, 18, at \$21	378.00
Lamps, 18, at \$16	288.00
Filing cabinets, 10, at \$75.50	755.00
Desks, flattop, 9, at \$92	828.00
Desk lamps, 9, at \$16	144.00
Jury wheels, 9, at \$50	450.00
Tables, courtroom, 18, at \$500	9,000.00
Total	42,238.00

ITEM 3

Bookcases, 3, at \$20	60.00
Chair, executive	200.00
Chair, executive club	120.00
Chairs, wooden, with arms, 16, at \$31.25	500.00
Chairs, wooden, without arms, 7, at \$30	210.00
Chairs, typist, 16, at \$25.75	412.00
Costumers, 2, at \$10.50	21.00
Couch, leather	200.00
Desks, kneehole, 10, at \$92	920.00
Desks, typewriter, 16, at \$90	1,440.00
Desks, executive, double	300.00
Cabinets, filing, 4, at \$75	300.00
Screen	25.00
Stands for comptometer, 2, at \$55	110.00
Tables, 34- by 17-inch, 26 inches high, 5, at \$63	315.00
Tables, end, 2, at \$60	120.00
Table lamps, 2, at \$30	60.00
Wardrobe	150.00
Total	5,463.00

ITEM 4

Chairs, swivel, upholstered, 20, at \$45	900.00
Chairs, wooden, with arms, 245, at \$30	7,350.00
Coatracks, 25, at \$24	600.00
Desks, flattop, kneehole, 2, at \$92	184.00
Desk, typewriter	95.00
Cabinets, filing, 2, at \$75	150.00
Jury wheels, 2, at \$45	90.00
Radio and television	305.00
Table, small	22.00
Table, 60- by 34-inch, 15, at \$98	1,470.00
Tables, courtroom, extra large, 2, at \$500	1,000.00
Television	350.00
Wardrobes, 11, at \$150	1,650.00
Total	14,166.00

ITEM 5

Bookcases, 2-shelf, 10, at \$40	400.00
Chairs, swivel, with arms, 10, at \$27	270.00
Chairs, typist, 10, at \$35.20	352.00
Lockers and storage cabinet, 10, at \$45	450.00
Desks, flattop, 10, at \$92.80	928.00
Desks, typewriter, 10, at \$99	990.00
File cabinets, 20, at \$75	1,500.00
Stands, telephone, 10, at \$22	220.00
Storage cabinet, stationery	45.00
Tables, 60- by 34-inch, 9, at \$105	945.00
Wardrobe	150.00

Total 6,250.00

ITEM 6

Bookcases, 10, at \$30	300.00
Chair, typist	32.00
Coatrack	21.00
Desk, flattop	92.00
Tables, large, courtroom, 2, at \$500	1,000.00
Wardrobe	150.00

Total 1,595.00

ITEM 7

Bookcases, library, 11, at \$20	220.00
Castro, convertible	500.00
Chairs, swivel, high back, headrest, 5, at \$200	1,000.00
Club chair, leather upholstered	120.00
Chair, swivel, wooden, with arms	45.00
Chairs, wooden, with arms, 41, at \$30	1,230.00
Chairs, straight, 3, at \$30	90.00
Chair, typist	32.00
Coatracks, 2, at \$21	42.00
Couch, leather upholstered	200.00
Bench lamps, 2, at \$16	32.00
Desks, flat, 2, at \$92	184.00
Desks, typewriter, 4, at \$90	360.00
Desks, executive, double, 2, at \$300	600.00
Desk lamps, 4, at \$16	64.00
Floor lamp	50.00
Forms cabinet	46.00
Index card cabinet	20.00
Settees, wooden, 3, at \$150	450.00
Stand, telephone	22.00
Stand, typewriter	22.00
Stationery storage cabinets, 5, at \$45	225.00
Tables, small, 34- by 16-inch, 8, at \$105	840.00
Table, extra large, courtroom	500.00
Tables, end, 4, at \$60	240.00
Table lamps, 2, at \$30	60.00
Wardrobes, 4, at \$150	600.00
Telephone cabinet tables, 5, at \$140	700.00

Total 8,494.00

ITEM 8

Bookcases, 2 shelves, 2, at \$20	\$40. 00
Chairs, wooden, with arms, 9, at \$30	270. 00
Chairs, typist, 8, at \$32	256. 00
Desk, flattop	92. 00
Desks, typewriter, 8, at \$90	720. 00
File cabinets, 38, at \$75	2, 850. 00
Tables, 34- by 17-inch, 2, at \$22	44. 00
Typewriter stand	20. 00
Total	4, 292. 00

ITEM 9

Chairs, swivel, high back, headrest, 2, at \$200	400. 00
Chairs, wooden, with arms, 8 at \$30	240. 00
Chairs, typist, 2, at \$32	64. 00
Coatracks, 2, at \$21	42. 00
Couches, leather-upholstered, 2, at \$200	400. 00
Desks, typewriter, 2, at \$90	180. 00
Desks, executive, 2, at \$300	600. 00
File cabinets, 2, at \$75	150. 00
Tables, 60- by 34-inch, 2, at \$105	210. 00
Wardrobes, 2, at \$150	300. 00
Total	2, 586. 00

EDWIN H. LAWTON,
Regional Director, Public Buildings Service,
General Services Administration.

REDUCTION IN FURNITURE REQUIREMENTS FOR SACRAMENTO, CALIF.

Mr. ROONEY. Mr. Marshall has certainly earned his pay on his first day back on the committee.

Judge CAMPBELL. What did he find?

Mr. ROONEY. He calls my attention to the fact that if you look at page 178 of these justifications, in the total of \$632,800 for furniture and furnishings, there is an amount of \$82,600 for Sacramento, Calif.; is that correct?

Mr. AIRHART. That is right.

Mr. ROONEY. That is the amount carried in this budget?

Mr. AIRHART. That is right, sir.

Mr. ROONEY. According to this statement you handed us a while ago entitled "Estimates Furnished by General Services Administration of the Cost of Furniture and Furnishings Required Incident to the Occupancy of New Buildings, Fiscal Year 1962" it appears that the sum \$82,600 has been reduced to \$57,000.

Mr. AIRHART. That is correct.

Would you look at the footnote on that same sheet?

Mr. ROONEY. We see it.

You say in footnote B that the sum of \$82,000 was included in the 1962 budget estimate for Sacramento, Calif. Subsequently, the General Services Administration on January 6, 1961, furnished a reduced estimate of \$57,000.

Mr. AIRHART. That is correct.

Mr. ROONEY. Your justifications asked for \$82,600; is that right?

Mr. AIRHART. Yes, sir.

Mr. ROONEY. You do not show this \$25,600 reduction in the GSA budget estimates in your budget.

Mr. AIRHART. Mr. Rooney, may I say in justice to us that if you had not brought it up we would have.

Mr. ROONEY. That is a fair enough statement but let us not take the credit away from Mr. Marshall.

He has only been back on this committee a day and already has come up with this. When did you leave us, 1954?

Mr. MARSHALL. Yes.

Mr. ROONEY. He is back here almost 7 years later and in the first couple of hours, he finds an item of \$25,600.

I am sure you would have called our attention to this.

Judge CAMPBELL. It is in the footnote of the exhibit.

Mr. ROONEY. But this exhibit is not in the record, and we happily just happened to ask for this.

Judge CAMPBELL. It should have been furnished.

Mr. ROONEY. You get the point?

Judge CAMPBELL. I do. This was made up before our justifications.

Did we make this up before we got this from the GSA on January 6? I think we did.

We should have corrected it in our opening statement and I am sorry.

Mr. ROONEY. I did not hear about this reduction before.

Judge CAMPBELL. It is on here.

May I go off the record?

Mr. ROONEY. Yes; surely.

(Discussion off the record.)

Mr. ROONEY. Gentlemen, we will resume in the morning at 10 o'clock.

FRIDAY, FEBRUARY 24, 1961.

Mr. ROONEY. The committee will please come to order.

At the conclusion of the hearing on yesterday, we were considering the request in regard to courts of appeals, district courts, and other judicial services, travel and miscellaneous expenses, the details of which, insofar as increases are concerned, are to be found at pages 148 and 149.

TRAVEL OF JUDGES

We note that additional funds are included for travel of judges attending seminars and travel of judges and staffs on assignment to other districts and to cover higher air fares. What is the amount included in the \$78,000 to cover higher air fares?

Mr. ANDERSON. \$18,000, Mr. Chairman.

Mr. ROONEY. How is that amount figured?

Mr. ANDERSON. The air fares we calculate have increased about 18 percent over the last 4 years. We got our figures from the airlines.

Mr. ROONEY. This is an increase over last year. You had sufficient moneys last year. What is the increase computed over last year?

Mr. ANDERSON. I do not have it that way, Mr. Chairman. May I say that the air fares have been going up over the last few years. It has been a small sum each year. We have not asked for an increased appropriation.

Mr. ROONEY. We understand, but here you gave us a buckshot increased appropriation request, \$78,000, and we want to know how you arrive at that \$78,000, and in particular what you claim to be higher air fares over last year of \$18,000. Can you answer the question?

Mr. ANDERSON. Yes, sir. Our air fares we calculate at about \$100,000 a year, and an 18-percent increase in that would be \$18,000.

Mr. ROONEY. How much did you spend last year in air fares?

Mr. ANDERSON. Approximately \$100,000 in round figures.

Mr. ROONEY. Please insert the exact amount at this point in the record.

Mr. ANDERSON. Yes, sir.

(The information requested follows:)

The sum of \$107,151 was expended for air travel by judges and supporting personnel of the U.S. courts of appeals and U.S. district courts during fiscal year 1960. The amount stated does not include travel by referees and their staffs.

Mr. ROONEY. That covers the fares of how many people?

Mr. ANDERSON. I would say that two-thirds of our 5,000 employees in the field are on occasional intravel status.

Mr. ROONEY. How many judges did you have on the road?

Mr. ANDERSON. I do not know the exact number, but most of the 380 judges travel sometime during the year.

Mr. ROONEY. Do you have with you tables similar to the tables included in last year's hearings on pages 156 through 169?

Mr. ANDERSON. No, sir; we do not have that with us.

Mr. ROONEY. You do not have such information with you?

Mr. ANDERSON. We can get it. It is in the office, Mr. Chairman.

Mr. ROONEY. We would like to look at it. Maybe Mr. Bow in particular, who is interested in this subject, would like to ask some questions as a result of looking at it.

Judge CAMPBELL. We should have had that with us.

Mr. ROONEY. Of course.

Judge CAMPBELL. Could we have the indulgence of the committee to furnish it?

Mr. ROONEY. Can you send over for it right now?

Mr. ANDERSON. We would be glad to.

Mr. ROONEY. Please do.

TENANT ALTERATIONS AND SERVICES

Mr. ROONEY. What about this item of \$115,000 "to reimburse General Services Administration for tenant alterations and services"?

Mr. ANDERSON. The General Services Administration desires now reimbursement for all of the tenant alterations that are done for the courts in the buildings in which we occupy space. This is a new item to us.

Mr. ROONEY. In other words, if you want to move a desk from one room to another and you call on somebody from GSA, it is expected that you would reimburse GSA for the cost of moving the desk?

Mr. ANDERSON. Exactly.

Mr. ROONEY. Give GSA our compliments, if you will. It was a nice idea while it lasted.

Mr. ANDERSON. This is another example of the same thing we have been talking about.

Judge CAMPBELL. It should be in the same general category as furniture. It is out of our realm.

Mr. ANDERSON. As a matter of fact, we had this experience in one court—

LAWBOOKS

Mr. ROONEY. Where are your books? Aren't they in "Travel and miscellaneous expenses?"

Mr. ANDERSON. Yes, sir.

Mr. ROONEY. Where do we find them?

Mr. ANDERSON. Lawbooks, sir, are broken down into two sections: lawbook accessions, which for this year is a reduction—

Mr. ROONEY. What page?

Mr. ANDERSON. Page 147, Mr. Chairman. At the very beginning it shows the increase or decrease.

Judge CAMPBELL. We did not have any itemization since there is no increase.

Mr. ROONEY. What, if anything, is in this budget in connection with West's New Digest?

Mr. ANDERSON. We have that in the supplemental, as you recall the testimony from the other day. We do not have it in this budget.

Mr. ROONEY. Are there any questions on this item?

Mr. Bow. I have no questions at this time. I hope we have the charts furnished. You say the chart is prepared?

Mr. ANDERSON. Yes, sir.

Mr. Bow. In the same form in which it appeared in last year's hearings?

Mr. ANDERSON. The same form.

Mr. Bow. I have no questions at this time, Mr. Chairman.

Mr. ROONEY. Pending the receipt of the information with regard to travel and our interest in seeing whether or not it has been cut down, we might proceed to the next item, which is entitled "Administrative Office of the U.S. Courts."

MODERNIZATION OF EQUIPMENT AND FACILITIES IN NORTHERN DISTRICT OF ILLINOIS

Judge CAMPBELL. On this one item, Mr. Chairman, did you want me to say anything on this \$100,000, item 5? It is purely local. If the committee would care to hear, I would like to state what that is about.

Mr. ROONEY. We would be glad to have any advice you may be able to offer, Judge Campbell.

Judge CAMPBELL. I would like to say just a few words on it, if I could, Mr. Chairman, because it concerns my own court. It is not put in there just because it is my own court.

When I took over as chief judge about a year ago, at the same time I assumed the chairmanship of this Committee on the Budget for the Judicial Conference, I found that our court in Chicago was in the same situation as perhaps several other large courts in the United States. We were at that time requesting three additional deputy clerks in Chicago. We had 39 at the time. Our staff was working late at night. It is not infrequent for them to be working as late as 11 o'clock at night. We are constantly plagued with asking, year after year, for more and more help. This is the item that the committee was talking about yesterday and asked some very pointed and objective questions about.

It occurred to me that the fault might be in the administration of the office. So I asked for some help from the Administrative Office, to send out a staff recruited from throughout the Government. We got one man from the Office of Secretary of Defense. We got one man from the Air Force, who seemed to know a good deal about systems. We called in IBM, Remington Rand, and some others, who volunteered some of their experts in the field. We made a complete survey of our clerk's office.

As a result of this, these experts came up with some suggestions, that some of the systems we were using were very archaic and that a great economy could be effected if we combined the operations of the clerk of the bankruptcy court, that is, the referee's clerk, and the clerk of the court. Accordingly, we did that. Also, they suggested changes in several of the rules of our court which would reduce the amount of paperwork of the clerk. We did that. They then suggested the establishment of systems and procedures and changes in assignments and a physical reorganization of the office of the clerk of the bankruptcy court and the clerk of the district court. We have done that.

We are now in process of moving the bankruptcy clerk next to the court clerk's office and have made the necessary structural changes.

I would like at this time to reduce that request from the sum of \$100,000 to the sum of \$77,000 because we were able by very efficient help from the GSA in Chicago to do most of the structural changes that were necessary, new counters and arrangements in the clerk's office, with materials that were then on hand and with the regular building staff of the GSA, for which we will not be billed and which reduces \$23,000 from this amount.

The rest of it is largely for very necessary modern equipment that will eliminate the need for the three clerks which I have otherwise asked for and a similar number from the clerk of the bankruptcy court. The savings in additional personnel—it will not throw any out of work but it will use what we have more efficiently and enable me to withdraw my pending request for three additional deputy clerks which would cost approximately \$15,000 a year and two additional clerks in the bankruptcy referee's office which would cost approximately \$10,000 a year, a little less, possibly. So a net saving of \$20,000 to \$25,000 a year can be effected this way. This is a nonrecurring item, whereas the personnel would be a constantly recurring item.

As I say, I did this mostly as a test case because I think it can be done in the other large districts where we are constantly besieged by requests from the chief judges for additional clerk hire in the clerk's office and in the bankruptcy referee's office. I feel that this \$77,000 which we now ask would be money very well spent. I have the details which, if the chairman wishes, I can submit for careful consideration later. I strongly urge the committee as a matter of economy and efficiency to authorize this expenditure on this nonrecurring item. If it is authorized, I would hope as chairman of the Committee of the Budget to ask my committee to assist me in seeing if we cannot bring up the efficiency of other large clerk's offices by the addition of some machinery which will eliminate constant requests for additional personnel.

Courts notoriously get into archaic procedures. To have an intelligent and objective survey from the outside and the addition of modern machinery and filing can save a great deal of clerk hire. I think we have a specific instance here, and I would like to add this word strongly urging the committee to appropriate, not \$100,000, but \$77,000 which we can now get along with.

If the chairman cares to have it, I have the details in writing which I will not bore you with orally.

Mr. ROONEY. Have you copies of this?

Judge CAMPBELL. I am sorry, I made it myself and I have only the one, but I will get the carbon and make photostats for the others.

Will you see that is done?

Mr. ANDERSON. Yes.

Mr. ROONEY. Exactly who made this survey, Judge Campbell?

Judge CAMPBELL. It was under my general direction. However, we had one man furnished by the Air Force; one man furnished by the Administrative Office of the U.S. Courts; one man loaned to us by the Secretary of Defense, his systems expert, I believe; and one man from Remington Rand and one man from IBM who were loaned for the purpose. These men worked as a team going through the entire system. We had also the clerk of our court working with them, and a systems expert who had installed a similar system in one of the State courts in Illinois.

Mr. ROONEY. Were these men from Remington Rand and IBM salesmen or engineers?

Judge CAMPBELL. They were engineers. I would like to say that I asked Mr. Watson personally for the use of the IBM top engineer, and he was kind enough to send him at my personal request at no expense to the Government. They were not salesmen, sir.

Mr. ROONEY. Do their recommendations have anything to do with doing business with Remington Rand or IBM?

Judge CAMPBELL. I do not think you will find any IBM equipment in there, Mr. Chairman.

Mr. ROONEY. How about Remington Rand?

Judge CAMPBELL. There is one machine—no. That is National Cash Register. So Remington Rand did not get anything out of it, either, for machines.

I watched it personally at every stage of the thing. I do not think there is any attempt on the part of any of these people to sell any particular machine or piece of equipment.

Also I would like to say, apropos of what we were discussing yesterday, that wherever we can use existing equipment we are doing so. In the additional equipment that is listed there, I think there will be further savings over the \$77,000 item because many of the items which are listed as necessary, the GSA has on hand in other offices in our courthouse and will furnish to us.

Mr. ROONEY. We shall insert the detailed recommendations at this point in the record.

Judge CAMPBELL. Thank you, Mr. Chairman.

(The document referred to follows:)

DETAILED RECOMMENDATIONS FOR IMPROVEMENTS, DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

The report contained the following recommendations:

A. Amend rules of court:

- (1) To eliminate assignment of bankruptcy cases to judges and, instead, permit the chief clerk of the Bankruptcy Office to assign cases to referees.
- (2) To permit the referees, instead of the judges, to appoint receivers in bankruptcy cases.
- (3) To permit certain fees of receivers, trustees, etc., to be paid on order of referees rather than subsequent to reports filed with the court.

B. Management improvements:

- (1) Realine certain duties and responsibilities:
 - (a) Consolidate under one organizational unit: counter service, docketing, assignment of cases, collection of moneys, and preparation of vouchers.
 - (b) Refer automatically all bankruptcy cases (except ch. X) to referees' offices for assignment.
 - (c) Assign specific desks (stations) for docketing according to workload.

C. Modernization of equipment and space:

- (1) Install systems type analyses, remittance and control machines.
- (2) Replace present counter with modern customer service-type counters.
- (3) Prepare area for exclusive use of the public and organize method of furnishing information and material to the public.
- (4) Establish closed case file.
- (5) Provide minute clerks with desk space in the clerk's office.
- (6) Install up-to-date system of filing, charge out, and records retirement.
- (7) Replace office furniture with modern matching equipment.

D. Office of the referees in bankruptcy:

- (1) Relocate the office of the chief clerk in space convenient to the office of the clerk our court.
- (2) Centralize maintenance of dockets.
- (3) Improve method of assignment of cases.

E. Machines and equipment:

The accounting machines—and two will be needed (\$8,750 each)—will be specifically designed to give a receipt showing docket number, transaction number, kind of pleading or action and related information; to produce initial entry data for the dockets; and to accumulate cash totals for all receipts by account number.

The photostat (\$10,000) will be used to rapidly produce copies of records—most of which will be sold over the counter.

The shelf filing units (\$20,000) will replace many, many rows of old filing cabinets which are in such poor condition that replacement is absolutely necessary. Now the quantity estimated will take care of file needs for several years hence. The committee may well wish to suggest that the shelves be installed in stages which would require less money this year, but some funds in succeeding years to add shelving as needed.

There is a substantial saving in both the acquisition cost and in space utilization, in the use of shelf filing equipment as compared with the standard five-drawer filing cabinet. For example, a 12-foot unit of shelf filing equipment, double faced, 8 shelves high, would provide 192 linear feet of filing space at a cost of \$672. This unit is equivalent to 19 five-drawer filing cabinets which at \$57.10 each (Government schedule price) would cost a total of \$1,084.90. As for the space-saving angle, the 12-foot shelf unit would occupy about 26 square feet of space as compared to 38 square feet for the 19 cabinets.

*Cost summary of furniture and equipment requirements and space alterations
in court clerk's office and central service area at Chicago, Ill.*

Furniture:

Clerk's office.....	\$33,256
Central service.....	278
Total.....	<u>33,534</u>

Equipment:

Clerk's office.....	30,701
Central service.....	13,305
Total.....	<u>44,006</u>

Space alterations and improvements.....	77,540
	<u>23,000</u>

Grand total.....	100,540
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Court clerk's furniture requirements at Chicago, Ill.

30 each, shelf filing units, 12-foot long composed of 4 double 3-foot sections with 8 adjustable shelves, 2 end panels, 2 sliding reference shelves and canopy tops. Installed price per 12-foot unit, \$671.30.....	\$20,139
3 each, work stations for civil and criminal docket clerks, at \$526.....	1,578
2 each, work stations for bankruptcy docket clerks, at \$562.....	1,124
1 each, work station, records maintenance.....	547
5 each, Linedex units, at \$202.....	1,010
1 each, desk, conference type, metal for chief deputy (7110-543-7233).....	121
1 each, chair, swivel, arm, aluminum for chief deputy (7110-264-5340).....	48
1 each, table, metal 60 by 34 inches for chief deputy (7110-262-6663).....	35
3 each, chairs, arm, metal (7110-273-8782), chief deputy, at \$17.....	51
4 each, desks, metal, double pedestal for courtroom deputies, at \$79.....	316
15 each desk, flat top, L-unit 30 by 40 inches (7110-584-6251 or 7110-584-6250), at \$69 (for bookkeepers (3), docket supervisor, switchboard operator, calendar clerk (4), librarian, appeals clerks (2), naturalization clerks (3)).....	1,035
15 each, auxiliary table, L-unit for use with above desks (7110-584-2684 or 7110-584-2685), at \$59.....	885
15 each, typewriter stand, metal (7110-262-6662), at \$31.....	465
20 each, chair, posture type, typist (7110-273-8798), at \$31.....	620
20 each, chairs, side (miscellaneous use) (7110-273-8785), at \$13.....	260
3 each, desk, flat top, double pedestal, metal (7110-270-9840), for records and mail clerks, at \$79.....	237
3 each, chairs, swivel type, metal for use with above desks (7110-273-8793), at \$26.....	78
1 each, table, metal 34 by 60 inches (7110-262-6663), for mail clerk.....	35
1 each, mail distribution rack (estimate).....	100
4 each, rack, wearing apparel (7195-275-5824), at \$12.....	48
1 each, desk, secretarial, executive 60 by 34 inches for clerk's secretary (7110-262-6692 or 6691).....	185
1 each, chair, secretarial, executive.....	46
1 each, desk, executive, 72 by 48 inches (7110-262-6694), for clerk of court.....	292
1 each, chair, swivel, executive for court (7110-634-0429).....	60
1 each, table, executive, 42 by 84 inches for court clerk (7110-264-5238).....	159
11 each, chair, straight leg, with arm, executive (7110-262-6685), at \$58 (8 for court clerk, 3 for secretary).....	638
1 each, rug for secretary's office approximately 20 square yards, at \$8.....	160
1 each, table, executive, 30 by 48 inches for clerk's secretary (7110-264-5236).....	57

Court clerk's furniture requirements at Chicago, Ill.—Continued

2 each, table 48 by 96 inches, Formica top (Thonet), at \$227 (No. 6011); file exam use in public area	454
16 each, chairs (Thonet) (1295-SU19-BU11) for use with above tables, at \$35	560
2 each, accounting machines at \$8,750	17,500
2 each, adding machines, at \$350	700
20 each, typewriters, electric, at \$430	8,600
Total	58,143
10 percent for transportation, uncrating, and installation	5,814
Total	63,957
Furniture	33,256
Equipment	30,701
Total	63,957

Furniture and equipment requirements for central service area

1 each, desk, metal, double pedestal (7110-270-9850)	\$79
1 each, chair, swivel, arm (7110-273-8793)	26
2 each, table, metal, 60 by 34 inches (7110-262-6663), at \$35	70
6 each, chairs, leg without arms, at \$13 (7110-270-8940)	78
1 each, photostat (model 10.14, high speed negative)	10,000
1 each, letter opener	255
1 each, envelope sealer	150
1 each, folding machine	1,500
1 each, stapler, electric	150
1 each, trimmer	40
Total	12,348
10 percent for transportation, uncrating etc	1,235
Total	13,583
Furniture	278
Equipment	13,305
Total	13,583

ADMINISTRATIVE OFFICE OF THE U.S. COURTS

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Permanent positions	919	1,070	1,159
Positions other than permanent	7	56	66
Other personnel compensation	33	14	16
Total personnel compensation	959	1,141	1,235
12 Personnel benefits	63	81	88
21 Travel and transportation of persons	36	43	48
23 Rent, communications, and utilities	58	61	70
24 Printing and reproduction	13	13	14
25 Other services	8	9	14
26 Supplies and materials	22	13	20
31 Equipment	28	6	36
Total obligations	1,187	1,368	1,526

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	158	160	172
Full-time equivalent of other positions.....	4	7	8
Average number of all employees.....	149	164	177
Number of employees at end of year.....	157	164	177

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Salaries and expenses (total obligations).....	1,187	1,368	1,526
Financing: Unobligated balance lapsing.....	13		
New obligational authority.....	1,200	1,368	1,526
New obligational authority:			
Appropriation.....	1,200	1,293	1,526
Proposed supplemental due to pay increases.....		75	

Mr. ROONEY. The next item is the Administrative Office of the U.S. Courts, which appears at page 163 of the committee print, and beginning at page 192 of the justifications. We shall insert at this point in the record pages 192 through 213.

STATEMENT RELATING APPROPRIATION ESTIMATE TO CURRENT APPROPRIATION

Salaries and expenses, Administrative Office of the U.S. Courts, Judiciary

1961 appropriation in annual act.....	\$1,292,940
1961 proposed supplemental due to pay increases.....	74,860
Base for 1962.....	1,367,800
Net difference, 1962 over 1961:	

	Requirements		Difference Increase (+) or decrease (-)	
	1961 adjusted	1962 estimate		
Salaries and expenses.....	\$1,367,800	\$1,526,000	+\$158,200	+158,200
Total estimate for 1962.....				1,526,000

COURTS OF APPEAL, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES, ADMINISTRATIVE OFFICE OF THE U.S. COURTS

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$1,140,900	\$1,235,300	+\$94,400
12 Personnel benefits.....	81,400	87,950	+6,550
21 Travel and transportation of persons.....	43,200	48,200	+5,000
23 Rent, communications, and utilities.....	60,700	70,500	+9,800
24 Printing and reproduction.....	13,000	14,300	+1,300
25 Other services.....	9,100	13,650	+4,550
26 Supplies and materials.....	13,500	19,800	+6,300
31 Equipment.....	6,000	36,300	+30,300
Total obligations.....	\$1,367,800	1,526,000	+158,200

¹ Includes \$74,860 proposed supplemental due to pay increases.

Salaries and expenses—summary of increased requirements for 1962

Item number and nature of expense (or savings)	Amount
1. Deduction for extra compensable day in 1961, not required in 1962-----	-\$4,400
2. Within-grade salary advancements-----	21,400
3. Compensation, benefits, and miscellaneous expenses (including equipment and furniture) relating to requests for 12 additional positions as follows:	
Probation division (2 positions): For staff assistance in the planning and development of national and circuit sentencing institutes-----	22,225
Procedural studies and statistics (4 positions): For expansion and improvement of its research program and to cope with an increased volume of statistics-----	20,190
Business administration (4 positions): To cope with added responsibility of purchasing furniture for court personnel in GSA buildings; for the administration of the new health insurance program; and to cope with an increased demand for reproduction of material and related activities-----	21,450
Bankruptcy division (2 positions): To expand the program of administrative supervision over the financial and administrative operations of the offices of the referees, trustees, and receivers in bankruptcy-----	22,385
4. For the intermittent services of consultants-----	10,000
5. For travel expenses to be incurred in meeting with contract architects, representatives of GSA, and court officials incident to the construction of new buildings-----	3,000
6. To reimburse the U.S. Supreme Court for services of a switchboard operator and for expansion of switchboard facilities-----	4,750
7. To cover increases in the volume of mail (postage) and the use long-distance telephone service-----	4,000
8. To cover an increase in the cost and volume of supplies and materials required in the duplicating processes-----	5,200
9. For rental of required attachments for data processing equipment-----	3,200
10. Nonrecurring expense of replacing Webendorfer offset press 14 inches by 20 inches (the press to be replaced was acquired 12 years ago)-----	19,500
11. Nonrecurring expense of other special equipment-----	5,300
Total (net) increase-----	158,200

JUSTIFICATION

Language changes.—None.

Objectives.—This appropriation provides for the salaries of a Director, a Deputy Director, two Assistant Directors and other personnel of the Administrative Office of the U.S. Courts, and the necessary operating expenses of the Office, including travel, communication services, supplies, equipment, etc. The Director, under the supervision and direction of the Judicial Conference of the United States, is responsible for the administration of the U.S. Courts, including the probation and bankruptcy systems. For data as to the specific duties and responsibilities of the Director and the basic statutory authorities, reference is made to section N of the Digest of Appropriations, the Judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification.—The Office has need for some additional funds in order that it may adequately carry out its statutory and assigned duties and responsibilities. Increases of a major nature in the bankruptcy workload make added personnel necessary in order to properly assist the referees and their staffs. Additional staff assistance in planning and developing national and circuit sentencing institutes already approved by the Judicial Conference is urgently needed. To better and more quickly utilize available statistical information, some clerical personnel are needed. Also, in the area of "housekeeping" functions, additional duties and increasing volume require added staff and facilities.

Detailed justification.—The appropriation estimate for fiscal year 1962 is \$1,526,000, a net increase of \$158,200 over the appropriation for 1961, which has been adjusted to include pay costs under the Federal Employees Salary Increase Act of 1960 (Public Law 86-568). The increase provides for 2 additional

professional positions and 10 secretarial or clerical positions, and the related expenses of travel, communications, etc. In addition to new personnel, funds are included for within-grade salary advancements, intermittent services of consultants on personnel administration, and other items of expense relating to the current program and activities of the Office.

Deduction for extra compensable day.—The sum of \$4,400 representing the cost of an extra compensable day in fiscal year 1961 has been deducted in establishing the budgetary requirements for fiscal year 1962. Employees of the Administrative Office are paid biweekly, and on that basis will be compensated for 261 days in fiscal year 1961, whereas in 1962 there are only 260 compensable days. The savings represents a reduction in personnel compensation of \$4,100 and a corresponding reduction in personnel benefits (agency contributions for retirement and insurance) of \$300.

Within-grade salary advancements.—All of the personnel provided for by this appropriation with the exception of the Director, the Deputy Director, the two Assistant Directors, and 14 Wage Board employees are granted step increases under the promotional plan provided for by title VII of the Classification Act of 1949, as amended. It is estimated that these within-grade salary advancements will cost \$21,400, of which \$20,000 represents increases in compensation and \$1,400 related benefits—agency contributions to the civil service retirement fund and for group life insurance. The estimate, which represents approximately 85 percent of the full potential cost of step increases, is net of anticipated savings due to turnover in personnel and the filling of vacancies at lower rates of pay.

PROBATION DIVISION (TWO NEW POSITIONS)

The Judicial Conference of the United States approved a recommendation "That there be created in the Office of the Director of the Administrative Office a staff position, with necessary supporting personnel and funds, to which would be assigned the responsibility of preparing agenda and assisting in providing experts for future sentencing institutes on both national and circuit levels and in correlating this work for the Committee on the Administration of the Criminal law."

In order to assume the responsibility imposed upon the Office by the Judicial Conference it is requested that an additional professional position (GS-14) and a secretarial position (GS-5) be authorized for the Probation Division. The amount that will be required for establishing these two positions is \$22,225, as follows:

Personnel compensation:	
Professional position, GS-14.....	\$12,230
Secretarial position, GS-5.....	4,347
Total, personnel compensation.....	16,577
Personnel benefits.....	1,273
Total, personnel services and benefits.....	17,850
Related miscellaneous expenses:	
Travel.....	1,000
Communications (including postage).....	850
Printing and reproduction.....	500
Other services.....	25
Supplies and materials.....	500
Furniture and equipment (nonrecurring).....	1,500
Total, miscellaneous expenses.....	4,375
Grand total.....	22,225

DIVISION OF PROCEDURAL STUDIES AND STATISTICS (FOUR NEW POSITIONS)

It is requested that four new clerical positions be authorized for the Division of Procedural Studies and Statistics. The additional personnel are required to make possible more speedy and better processing of available statistics to reflect more fully and accurately the business of the courts and the problems of the Federal judiciary. The staff of the Division also must be increased in

order that it may cope with an increasing workload. The additional personnel requested and the amount required to establish the positions are itemized below:

Personnel compensation:

Statistical clerk, GS-5	\$4,347
Tabulation machine operator, GS-5	4,347
Clerk-statistical typist, GS-5	4,347
Punch operator, GS-4	4,056
Total, personnel compensation	17,097
Personnel benefits	1,373
Total, personnel services and benefits	18,470

Related miscellaneous expenses:

Communications (including postage)	300
Printing and reproduction	200
Other services	20
Supplies and materials	200
Furniture and equipment (nonrecurring)	1,000
Total, miscellaneous expenses	1,720
Grand total	20,190

DIVISION OF BUSINESS ADMINISTRATION (FOUR NEW POSITIONS)

Funds are included for the establishment of four new nonprofessional positions in the Division of Business Administration. One of the positions is a procurement assistant needed in relation to the responsibility of purchasing furniture for court personnel located in buildings operated by the General Services Administration. Two positions are required in the Payroll Accounting Section for the administration of the new health insurance program and to cope with an increase in payroll accounting activities. The health insurance program is being administered on a central level—the Administrative Office has assumed full responsibility for maintaining all records and accounts and for payment of premiums (payroll deductions and agency contributions). One position is required in the Duplicating Section to cope with an increased demand for reproduction and related activities.

The sum of \$21,450 will be required, as follows:

Personnel compensation:

Procurement assistant, GS-7	\$5,366
Reviewer (payroll accounting), GS-7	5,366
Clerk-typist, GS-3	3,765
Press operator, helper (wage board, grade 4)	3,253
Total, personnel compensation	17,750
Personnel benefits	1,470
Total, personnel services and benefits	19,220

Related miscellaneous expenses:

Communications (including postage)	300
Printing and reproduction	100
Other services	30
Supplies and materials	300
Furniture and equipment (nonrecurring)	1,500
Total, miscellaneous expenses	2,230
Grand total	21,450

BANKRUPTCY DIVISION (TWO NEW POSITIONS)

It is requested that an additional professional position (attorney, GS-14) and a secretarial position (GS-6) be authorized for the Bankruptcy Division of the Administrative Office in order to permit an expansion of the program of

administrative supervision over the financial and administrative operations of the offices of the referees, trustees, and receivers in bankruptcy. The expansion and improvement of this program is long overdue, particularly in view of the extremely heavy volume of bankruptcy filings. The amount that will be required for establishing these two positions is \$22,385, as follows:

Personnel compensation:	
Attorney, GS-14.....	\$12,230
Secretary, GS-6.....	4,846
Total, personnel compensation.....	17,076
Personnel benefits.....	1,334
Total, personnel services and benefits.....	18,410
Related miscellaneous expenses:	
Travel.....	1,000
Communications (including postage).....	850
Printing and reproduction.....	500
Other services.....	25
Supplies and materials.....	100
Furniture and equipment (nonrecurring).....	1,500
Total, miscellaneous expenses.....	3,975
Grand total.....	22,385

INTERMITTENT SERVICES OF CONSULTANTS

In order that the Administrative Office may carry out its responsibilities of surveying court offices and, as required by the Judicial Conference, conduct studies of various phases of court administration, it is requested that the sum of \$10,000 be provided for consultants to be employed on an intermittent basis. It would then be possible, without augmenting the permanent staff of the office, to obtain the services of experts in specific fields either within or without the Government.

TRAVEL INCIDENT TO CONSTRUCTION OF NEW BUILDINGS

The additional sum of \$3,000 is required to cover travel expenses of Administrative Office personnel to be incurred for the purpose of meeting with contract architects, representatives of the General Services Administration, and court officials at the localities where new buildings are to be constructed. Prior to fiscal year 1961, the General Services Administration made all arrangements for furniture and furnishings required incident to the occupancy of new buildings, however, with the Administrative Office assuming financial responsibility for such furniture and by assuming the role of purchasing agent, there remained no alternative but to participate and be represented at meetings concerning the allocation of space and the purchase of furniture and furnishings for new buildings.

REIMBURSEMENT TO THE SUPREME COURT—SWITCHBOARD SERVICES

The sum of \$4,750 is required to cover the cost of an expansion of switchboard facilities in the U.S. Supreme Court Building and to reimburse the Supreme Court for the services of a switchboard operator.

The Supreme Court recently entered into a contract with the local telephone company for the expansion of its switchboard facilities. The telephone company installed a new 50-line panel for which there will be a monthly charge of \$50. The Supreme Court requested that the Administrative Office pay one-half of the rental, or \$300 per annum.

Due to an increase in the volume of incoming and outgoing calls through the Supreme Court switchboard, it was necessary for the Court to employ an additional operator. The Court has requested reimbursement of amounts paid for her services; namely, \$4,450 per annum (\$4,150 for compensation and \$300 for related benefits).

INCREASED COST OF COMMUNICATIONS

In addition to the amount requested above for the expansion of switch-board facilities and reimbursement for the services of an operator, the sum of \$1,500 is required to cover an increase in the use of long-distance telephone service and \$2,500 for an increase in the volume of mail (postage and fees paid). Increased activities and more frequent contacts with judges and other court officers have created deficiencies in the respective allotments to the extents indicated.

INCREASE IN THE COST OF SUPPLIES AND MATERIALS REQUIRED IN THE DUPLICATING PROCESSES

It is estimated that an additional \$5,200 will be required in fiscal year 1962 to cover an increase in the cost of supplies and materials used in the reproduction of an increasing number of reports and other material prepared by the Administrative Office and by the various committees of the Judicial Conference. The sum of \$13,000 currently is available in the base appropriation for supplies and materials. During 1960 expenditures for supplies aggregated approximately \$22,000. In addition to the sum required for new personnel, it is requested that the allotment be augmented to the extent indicated above so as to obviate the incurring of a deficiency.

ATTACHMENTS FOR DATA-PROCESSING EQUIPMENT

The additional sum of \$3,200 is requested for the rental of required attachments for data-processing equipment, as follows:

	Annual rental	Additional net cost
084 sorter (2,000 per minute speed)-----	\$3, 000	
Plus special feed-----		240
Total cost-----	3, 240	
Less the cost of an 083 sorter to be replaced-----	-1, 320	
Additional (net) cost-----		\$1, 920
088 model 1 collator-----	\$4, 980	
Plus 10-position alphabetic comparing unit-----		720
Total cost-----	5, 700	
Less 088 model 2 collator to be replaced-----	-4, 440	
Additional (net) cost-----		1, 260
Total additional cost-----		3, 180

The higher speed sorter, which will sort 2,000 cards a minute, will be installed in exchange for the one currently being used, which sorts only 1,000 cards a minute. The collator with a 10-position alphabetic comparing unit is required in order to adopt the recommendations made by the General Services Administration for improvement of procedures for developing probation statistics. The additional information to be obtained as a result of the changes will facilitate administration of the probation service and provide research data not available under the old system.

The limited capacity of available data-processing equipment will not permit other planned improvements in the research program so as to provide better statistics and reflect more fully and accurately the business of the courts. Furthermore, the volume of accounting documents continues to grow; as an example, the new health insurance program placed an additional burden on the data-processing unit.

REPLACEMENT OF OFFSET PRESS

The sum of \$19,500 has been included in the 1962 estimate to cover the non-recurring expense of replacing a Webendorfer offset press, 14 by 20 inches. The press to be placed was acquired 12 years ago and has been used continuously since the day it was purchased. The machine has more than served its useful life and, in view of frequency of breakdown, the unavailability of replacement parts (often machined at considerable expense) and the high cost of repairs, it is considered economically advantageous to replace it.

The press is used for the printing of material for a number of manuals, including those for the probation officers, clerks of court, and U.S. commissioners. It also is used for the reproduction of special dockets and forms peculiar to the judiciary.

In view of the limited capacity of the Duplicating Section, in terms of personnel and equipment, and the increasing demand for the reproduction of material, it is imperative that all available equipment be in operating condition. Frequent breakdowns of the subject press have resulted in serious delays in the reproduction of essential material.

NONRECURRING EXPENSE OF CERTAIN SPECIAL EQUIPMENT

The sum of \$5,300 is included for the purchase of the following items of equipment:

Converter for photostat machine.....	\$2,000
Remington-Rand conve-filer.....	2,500
Wide carriage statistical typewriter.....	800

Recently, a photostat machine was acquired at no expense to the Office. It is requested that funds be appropriated for the purchase of a converter attachment which would permit the making of positive prints without first making a negative and then photostating the negative. The converter would pay for itself in terms of the cost of labor and materials which would otherwise be required in producing positive copies of materials.

CONVE-FILER

The conve-filer has proved to be very useful in housing the file of pending civil cases in the district courts. The desirable feature of this type of file is that it automatically conveys and places in position in front of the operator any select tray of cards. It saves a great deal of time and effort when it is necessary to locate a card or cards in any office in a given district. At the present time the Office has only one of these machines. The capacity of the machine is limited and consequently approximately 40 percent of the pending civil file is currently kept in open trays. For efficient operation, the entire file should be housed in two conve units.

STATISTICAL TYPEWRITER

At the present time the office has only one wide-carriage statistical typewriter which is being used by the Division of Procedural Studies and Statistics and by other divisions for typing various statistical and other tabular material. If a second machine were available, the preparation of such material could be expedited and it would obviate any delays in the submission of required reports to the Judicial Conference and to the Congress.

INCREASE REQUESTED FOR 1962

Mr. ROONEY. The justification indicate the request is in the amount of \$1,526,000, which would be an increase of almost a quarter of a million dollars over the amount appropriated to date for the current fiscal year, to wit, \$233,060. The requested increases are set forth at pages 194 through 196.

ADDITIONAL POSITIONS

How many additional positions are requested in this item?

Mr. OLNEY. Twelve.

Judge McGUIRE. One of those, Mr. Chairman, relates to furniture. I call your attention to page 195, item No. 3. That is also broken down into health insurance.

Mr. ROONEY. In the Probation Division you ask for two positions. How many did you ask for last year?

Mr. OLNEY. In the Administrative Office staff?

Mr. ANDERSON. Five, Mr. Chairman.

Mr. ROONEY. How many did you get?

Mr. ANDERSON. We did not get any.

Mr. ROONEY. What did you do—make a miscomputation last year in asking for five?

Mr. OLNEY. No. We did not get all the probation officers we needed in the field. These people on the staff have a relation to the number in the field. The two we are asking for here are for work which is being carried on under an act of Congress, and this request is in conformity with a resolution of the Judicial Conference of the United States that we undertake to assist in the planning and developing of these Sentencing Institutes. This is what it would take to do it.

Mr. ROONEY. With regard to procedural studies and statistics, how many did you ask for last year?

Mr. ANDERSON. Eight, Mr. Chairman.

Mr. ROONEY. How many did you get?

Mr. ANDERSON. None.

Mr. ROONEY. Did you make a miscalculation in requesting eight last year? I note you are requesting four now.

Mr. OLNEY. No, sir. We are making sure that our request is being made without any view to expanding the functions of the Administrative Office. This would not expand our functions in the slightest. These are statistical clerks and some additional equipment that we need, to get our material out more promptly. An example is our bankruptcy statistics which often take so long to get out that they have nearly lost their value by the time we are able to produce them.

PERSONNEL HANDLING HEALTH INSURANCE PROGRAM

Mr. ROONEY. Who is handling the administration of the new health insurance program right now?

Mr. OLNEY. Our Office is.

Mr. ROONEY. How many people work on it?

Mr. ANDERSON. May I answer that, Mr. Chairman. It is in my Division of Business Administration. When the health insurance came about, rather than disperse the function throughout all the courts which we felt would require personnel in the various courts, we talked with the Civil Service Commission at length and they agreed that we could centralize the operation if we mechanized it and installed it in the Administrative Office. The only function in the field now is the inclusion on payrolls of the necessary payroll deductions. We make all annual reports and monthly payments to the Commission through the Administrative Office through this mechanized system. We are asking in this budget for two people to assist us with that job.

Mr. ROONEY. This is all very fine, but I do not think you answered my question. I thought you started out to answer the question. Who is handling it now?

Mr. ANDERSON. The Administrative Office of the U.S. Courts.

Mr. ROONEY. How many people?

Mr. ANDERSON. Two of a group of six.

Mr. ROONEY. In other words, of the six people, two are specifically assigned to handling the health insurance program?

Mr. ANDERSON. Their primary duty, Mr. Chairman, is health insurance; yes. This small group, if I may explain, handles retirement, survivors annuity, bonds, and so forth.

Mr. ROONEY. That is the group of six?

Mr. ANDERSON. Yes, sir.

Mr. ROONEY. You cannot carry on with those six, can you?

Mr. ANDERSON. It is a real squeeze to carry it on as it is.

Mr. ROONEY. It would be delightful if you could have how many more?

Mr. ANDERSON. We would need two positions in this area.

PERSONNEL HANDLING FURNITURE

Mr. ROONEY. How many of the four positions would have to do with the furniture program which we had reference to a number of times on yesterday?

Mr. ANDERSON. Of this group of six you are speaking of?

Mr. ROONEY. Of the group of four.

Mr. ANDERSON. One.

Mr. ROONEY. Who is handling the matter of furniture at the present time?

Mr. ANDERSON. That again is a function of the Business Administration Division. In that area we have eight at present who are procurement people, that is, they buy the office supplies and equipment for the Federal courts.

Mr. ROONEY. Those eight people seem to generate quite a sum of requests for furniture. Did you ever look into this very closely? We have never had such a splurge of furniture as we have had in the last couple of years.

Mr. ANDERSON. Before 1960, the furniture was placed in the courts and taken out of the courts and moved around without reference to the Administrative Office. So we really did not know what was going on.

Mr. ROONEY. It would be a good thing if it was put back that way, would it not?

Mr. ANDERSON. It certainly would.

Judge CAMPBELL. It certainly would.

Mr. ROONEY. You would not need those six people over there.

Mr. ANDERSON. We could not get rid of six, because we still have other functions to carry on besides furniture.

Mr. ROONEY. I asked how many were taking care of furniture, and you told me six. What would they do, help in the health program?

Mr. ANDERSON. No, sir.

Mr. ROONEY. It sounds like too much administration.

PERSONNEL HANDLING REPRODUCTION OF MATERIAL AND RELATED ACTIVITIES

You have included in the functions of the four requested positions in item 3, "coping with the increased demand for reproduction of material and related activities." What do you mean by that?

Mr. ANDERSON. This relates to our duplicating unit, reproduction of material to be dispersed.

Mr. ROONEY. Material that you prepare?

Mr. ANDERSON. No, sir. Primarily material prepared by committees of the Judicial Conference.

Mr. ROONEY. Does this have to do with a bigger and better program of sending questionnaires out to the judges? I hear from judges who say they spend a great deal of their time not trying cases but answering questionnaires from the Administrative Office.

Mr. OLNEY. I think we send very few questionnaires to judges. As Mr. Anderson stated, the bulk of the materials we send to them from our Office is sent by committees of the judges themselves. They are correct when they say the point of origin is our Office.

Mr. ROONEY. How many such items have you sent out in the past year?

Mr. ANDERSON. I have no count, Mr. Chairman, with me.

Mr. ROONEY. Can you approximate it?

Judge CAMPBELL. As a district judge, I would say in excess of 20. Does that sound unreasonable?

Mr. OLNEY. I am sure it is in excess of 20.

Judge CAMPBELL. That is the ones I recall opening and looking at, which I did not dispose of otherwise.

Mr. ROONEY. What is the nature of these communications?

Judge CAMPBELL. Largely, as Mr. Olney says, they are from various committees of the Judicial Conference. The Judicial Conference is studying, for example, this one question we were discussing yesterday, land commissioners. They have a committee discussing this. A questionnaire is sent out by that committee. "How many did you appoint?"

Mr. ROONEY. It seems to me this procedure takes a great deal of the time of the judges and requires a great deal of duplicating over there. We sure will not save any money. It might be just as well to let it go as is.

Judge CAMPBELL. I have often thought the same thing, not only on that subject but on others, Mr. Chairman.

Mr. ROONEY. Do we have to pay the travel of the judges to attend these meetings from which these communications ensue?

Judge CAMPBELL. Yes, to the members of the committees. I do think the profit from these judges' seminars and conferences where the district judges themselves participate, more than exceeds the cost. I think the item to which the chairman is referring is this matter, as you said, of sending out all of these questionnaires by these various committees that investigate things. Although they come from the Administrative Office, really the Administrative Office has no discretion in the matter. They are ordered by the committee to send it out and they have to do it.

In connection with the new rules, the changes in the rules that are going on now, we have received several questionnaires which it takes considerable time to answer and must take considerable time and money to produce here in Washington before they send them out. I suppose it is the quickest and easiest way of getting the information, but it does also impose a burden on the district judges. Speaking as a district judge, I can agree with the remarks of the chairman.

CONSULTANTS

Mr. ROONEY. What are these consultants for in item No. 4?

Mr. AIRHART. That, Mr. Rooney, is for such items as Judge Campbell just discussed, a survey of his court. Also, through various organizations as we have conducted surveys of jury operations.

Mr. ROONEY. In connection with the survey of Judge Campbell's court, did you have to reimburse the man from Defense?

Mr. AIRHART. One of them, yes; and the other, no.

Mr. ROONEY. And the man from GSA?

Mr. AIRHART. No.

Judge CAMPBELL. Just Defense, Mr. Chairman.

Mr. AIRHART. We reimbursed for only one man's salary and travel, and the other man's travel.

Mr. ROONEY. How long did that study take?

Mr. AIRHART. About a month and a half.

Mr. ROONEY. Is this a new item for intermittent services of consultants, \$10,000?

Mr. AIRHART. Yes, it is.

JUDICIAL CONFERENCE

Mr. ROONEY. Who thought this one up—the Judicial Conference?

Mr. AIRHART. It was in the budget approved by the Conference. It was recommended by our Office.

Mr. ROONEY. Did the Judicial Conference ever recommend a reduction in an appropriation, to your memory?

Mr. AIRHART. I would say, Mr. Chairman, that this year the budget approved by the Judicial Conference on the recommendation of the Budget Committee represents a very sizable cut by the committee.

Mr. ROONEY. Cuts in what? Ideas and fancies of the Administrative Office?

Mr. AIRHART. For one example, the committee had asked the metropolitan courts for their estimates of the needs in various areas. One item I remember is that the total of additional deputy clerks requested by 11 courts was 45. The committee approved a request for 25 for the whole of the judiciary.

Mr. ROONEY. I think the committee is to be commended. I know Judge Campbell has been doing his best to approach this whole subject of budget on a commonsense basis. We have not had much trouble, have we, Judge Campbell?

Judge CAMPBELL. We have had none at all, Mr. Chairman, I appreciate the cooperation you have given me.

Mr. ROONEY. And the same applies to Judge McGuire and Judge Weinman.

But of course we have these flights of fancy insofar as the expenditure of taxpayers' money by the Judicial Conference generally, and when we get some of these items I wonder whether or not we would not have been better off if we did not have the Conference. You do not need to answer that. I put that in the form of a statement.

Judge CAMPBELL. I will pass that one, if you don't mind.

TRAVEL EXPENSES

CONSTRUCTION OF BUILDINGS

Mr. ROONEY. In item 5 we find a requested additional amount of \$3,000 for travel expenses to be incurred in meeting with contract architects, representatives of General Services Administration, and court officials incident to the construction of new buildings. Is it necessary for the Administrative Office to get into this matter of construction of new buildings?

Mr. AIRHART. Mr. Rooney, there are frequent disagreements between architects and judges, both the building architects and the GSA architects. We have found that we can, or at least we think we can, be extremely helpful in resolving those arguments by sending somebody to sit down with both sides.

Mr. ROONEY. I always thought the function of the Administrative Office was one of gathering statistics with regard to the courts. It seems now that you are into everything. Now you are in the business of architecture and building construction.

Mr. AIRHART. May I explain this, Mr. Rooney. The architecture of the construction of new facilities is supposed to follow the lines of a building manual which, as far as the courts are concerned, is prepared by us and approved by the GSA. Where we have requests which differ from the provisions in that manual, very heated arguments occur, as you probably could guess.

Mr. ROONEY. Who are you—the referees in a thing like this? Is that the idea?

Mr. AIRHART. We are required by law to provide accommodations for the courts and their clerical and administrative personnel. The major portion of that function, of course, falls on GSA because buildings are usually Federal office buildings, but at the very least our assistance is required where there are disputes and disagreements or where, frankly, the courts ask for more than is provided.

Mr. ROONEY. Have you been into the matter of the construction of the new Federal Building in New York?

Mr. AIRHART. At long length; yes, sir.

Mr. ROONEY. You have spent quite a bit of time on it, have you?

Mr. AIRHART. Yes, sir.

Mr. ROONEY. Briefly, what has been your connection with the construction of that building?

Mr. AIRHART. So far as the Administrative Office is concerned, our only connection is that part of it which provides for the Customs Court. There are no other court quarters provided.

Mr. ROONEY. Don't tell me you are in that, too. Are you?

Mr. AIRHART. The Customs Court is one of the courts of the judiciary.

Mr. ROONEY. Do you not know that they already have on the court payroll a superintendent at a cost of what, \$10,000 or \$12,000 a year?

Mr. AIRHART. I do not remember. I know of whom you are speaking.

Mr. ROONEY. He is not able to carry on?

Mr. AIRHART. As I understand it, Mr. Rooney, his function is as liaison man between the Committee of Judges of the Customs Court in charge of facilities and the architects. We, however, have also had to provide assistance.

Mr. ROONEY. But you had to get in there, too.

Mr. AIRHART. Yes, sir.

Mr. ROONEY. What would you say it has cost the taxpayers for your being in there in the past period since the construction was authorized insofar as personnel costs and travel are concerned?

Mr. AIRHART. I would not even hazard a guess, Mr. Rooney. This has been going on for some years.

Mr. ROONEY. Many trips to New York?

Mr. AIRHART. I have no idea. Most of our work has been here in Washington, however, working with the GSA people.

TELEPHONE SWITCHBOARD OPERATOR AND FACILITIES

Mr. ROONEY. We find as item 6 a request in the amount of \$4,750 to reimburse the U.S. Supreme Court for services of a switchboard operator and for expansion of switchboard facilities. Is this a new item?

Mr. AIRHART. Yes, sir, it is.

Mr. ROONEY. How did you happen to inherit this?

Mr. AIRHART. The Supreme Court made the presentation to us that a very large part of their switchboard workload was due to the Administrative Office, and requested that we provide one operator for the board. It is an unarguable contention, so we agreed to do so.

Judge McGUIRE. Is it not a fact that you cannot get the Administrative Office without calling the Supreme Court?

Mr. AIRHART. All of our phones, in both buildings, are on their switchboard, yes.

Mr. ROONEY. What is wrong with that?

Judge McGUIRE. I think it is curious, that is all.

Mr. ROONEY. Is that telephone operator included in item No. 6? Is she on the payroll as yet?

Mr. AIRHART. Yes, sir; she is.

I should add that she is, of course, on the payroll of the Supreme Court. Their request is for us to reimburse.

DUPLICATING PROCESSES

Mr. ROONEY. Now we come to item 8, another phase of the matter of duplicating processes. When we talked of duplicating processes, what are we referring to other than these matters that come from committees of the Judicial Conference?

Mr. ANDERSON. We refer to matters, other than what we discussed, such as the annual report of the Director, forms which have been standardized and can be more cheaply printed in our shop, forms used internally in the Administrative Office, documents such as the one in front of you, etc.

Mr. ROONEY. How long since you consulted the Government Printing Office on the cost of doing the same work?

Mr. AIRHART. We have consulted quite recently both the Government Printing Office and the staff of the Joint Committee on Printing of the Congress. The net result is—I think we are in agreement with the staff of the committee, the committee has not yet been asked officially—that we can do it at less cost in our own printshop.

Mr. ROONEY. Do you have any figures which would indicate the difference?

Mr. AIRHART. No, sir, we do not have any figures of that sort.

Mr. ROONEY. How much is the total expense for duplicating processes, personnel, and other operations, in the course of the last year?

Mr. AIRHART. I would have to get that figure and insert it. I do not know.

Mr. ROONEY. Will you please insert it at this point in the record; a statement showing the volume of the matters processed, the cost for the personnel who are concerned with those matters in any way whatever, and the cost of the other objects in that regard?

Mr. AIRHART. Yes, sir.

(The information supplied follows:)

STATEMENT SHOWING THE COST AND PRODUCTION OF MATERIAL BY THE DUPLICATING SECTION OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

Cost information

Administrative: Salaries of administrative and supervisory personnel—	\$16,164
Direct cost:	
Salaries of personnel engaged in the operation of plant—	21,599
Paper, chemicals, negatives, plates, etc., used by plant—	26,797
Indirect cost:	
Depreciation of equipment (1 percent per month of original cost) —	1,438
Amount spent for repairs and maintenance—	876
Allowance for space occupied, utilities, etc. (12.5 cents per month per square foot of total space occupied) —	643
Total —	67,517

Production information

	Mimeo-graph ¹	Offset ²	Total units produced
Forms, dockets, letterheads, rules of court, and other printed matter required by the U.S. courts of appeals and U.S. district courts	10,105	6,103,810	6,113,915
Quarterly and annual reports of the Director of the Administrative Office, budget schedules and justifications, surveys, bulletins, memoranda, forms and other printed matter required by the Administrative Office of the U.S. Courts.	745,173	920,996	1,666,169
Printing requirements of the committees of the Judicial Conference of the United States	766,900	247,205	1,014,105
Supreme Court (on a reimbursable basis)	6,730	53,930	60,660
Total production	1,528,908	7,325,941	8,854,849
Average cost per thousand			\$7.62

¹ Counted as 1 unit per impression.

² 10 by 16 or less, counted as 1 unit per impression, 14 by 20 counted as 2 units per impression.

Mr. ROONEY. Are there any questions?

Mr. Bow. I have no questions. I can revert back to the matter of judges' travel at any time.

PAY INCREASES FOR THE U.S. COURTS

Mr. ROONEY. Mr. Cederberg?

Mr. CEDERBERG. As I recall, after the last pay raise, the President requested that every attempt be made by the agencies involved to absorb a portion of this pay increase. How much was the judiciary able to absorb?

Mr. OLNEY. In this request we are not seeking to absorb any of it.

Mr. CEDERBERG. Did you absorb any?

Mr. OLNEY. I would say No.

Mr. CEDERBERG. You were not able to absorb any of this request?

Mr. OLNEY. No.

Mr. CEDERBERG. I think several agencies were able to. I was hoping that the judiciary would be able to absorb some. The answer is "No"?

Mr. OLNEY. That is right.

Mr. CEDERBERG. That is all I have, Mr. Chairman.

Mr. ROONEY. Mr. Bow, do you wish to revert to the matter of judges' travel?

TRAVEL EXPENSES

TRAVEL OF JUDGES

Mr. Bow. Yes; I would like to.

I might state in looking this over I think we did not accomplish our purpose last year in inserting this in the record, but probably provided a travel folder.

Mr. ROONEY. By "travel folder" you mean an invitation to all judges to travel?

Mr. Bow. Yes.

Mr. ROONEY. Do they travel at the proper times of the year?

Mr. Bow. I have not gotten to that, but they travel to the proper places. This chart that we have here today shows a total increase in every instance over what we had the year before, does it not?

Mr. ANDERSON. I believe that is correct. We do not have copies of that before us, I am sorry to say.

Mr. Bow. I wish we had one for each member of the committee because it is very interesting. Let us take the first chart that appears on page 156. Looking at the totals on page 156 of the hearings of last year, it shows the number of trials to be 421. This year's chart shows the number of trials to be 101. So the actual trials of this year are considerably fewer than the trials shown on the chart of last year.

On the summary of last year, the number of trial days is shown to be 842, whereas the chart for this year shows the number of trial days to be 163. That is considerably less than the amount of work done last year.

The cost for judges last year in handling the 421 trials and the 842 days in trial work was \$12,640.

Mr. ROONEY. For travel alone.

Mr. Bow. Yes. The cost this year of handling 101 trials and 163 days in trial is \$16,085, a considerable increase and considerably fewer days in trial, and number of trials.

TRAVEL OF LAW CLERKS

The travel of law clerks is reduced in the summary this year, and the summary of last year shows the law clerks amounted to \$3,418, and this year law clerks amounted to \$2,773. However, the secretaries of last year was \$4,306 and this year \$5,942, although the number of trial days and trials held is considerably less.

The grand total of last year on this particular chart was \$21,868 for travel as compared to \$24,800 for travel this year.

TRAVEL OF SENIOR JUDGES

Mr. ANDERSON. The table we are looking at is headed "Travel for Senior Judges"?

Mr. Bow. Yes; \$21,868 last year in travel for the 421 trials and 842 days of trial as against 101 trials this year and 163 days of trial, costing \$24,800.

Assignments of senior judges for service in special courts and circuit courts and district courts of other circuits—in this one, taking the same information, actual days of assignment for last year's hearings, we had a total of 860, and in the summary this year, it is 863. Whereas the number of trials held last year was 246, the number of trials this year is 157. The number of trial days last year was 445 and this year, 439.

The cost of travel for judges last year was \$14,660; this year, \$18,201.

Law clerks last year, the figure was \$838 and this year \$702. Last year's secretaries, \$7,234; this year, \$5,504.

Total cost last year of \$18,732 and this year, \$24,407.

The summary on assignments of judges for service in special courts, circuit courts, district courts of other circuits that I have before me here now—actual days of assignment last year, 1,129.

Judge WEINMAN. Where are you reading from, sir?

SUMMARY OF STATISTICS RELATED TO TRAVEL EXPENSES

Mr. Bow. Page 163.

In the hearings last year, it shows the actual days of assignment were 1,129; this year, 1,333. Number of trials in last year's record, 290 as against 262 in the chart I have before me for this year.

Number of trial days, 457 last year and 526 in the chart this year.

The judges' travel last year was \$27,994 and in the chart before me for this year, it is \$39,206.

Law clerk travel of last year was \$10,830 and this year it is \$11,707.

The cost of secretaries' travel last year was \$13,601 and this year \$12,880.

The reporters for last year, \$4,222 and this year \$3,573.

Last year we have criers, \$6,733 and I am pleased to see this year it is \$633. However I am a bit amazed to find that the total last year of all travel was \$63,380 and this year \$67,999. So we do find that we have had, although not in some instances, a substantial decrease in the number of trials, number of days in trial, we have substantial increase in the travel allowance.

I was in hopes that last year this might have had some effect in cutting down the amount of travel.

Mr. ROONEY. We shall insert first this sheet which is headed "Assignments of Senior Judges for Service in Special Courts and Circuit Courts or District Courts of other Circuits July 1, 1959-June 30, 1960" and we will follow that with the chart headed "Service by Senior Judges in Circuit Courts or District Courts within Circuits July 1, 1969-June 30, 1960", followed by the summary and the page attached.

(The material referred to follows:)

Assignments of senior judges for service in special courts and circuit courts or district courts of other circuits, July 1, 1959, to June 30, 1960

Contributing court	Name of judge	Court visited	Period of designation		Actual days on assignment	Num-ber of trials	Num-ber of trial days	Cost of travel				Total
			From—	To—				Judge	Law clerk	Secre-tary	Re-porter	
SENIOR CIRCUIT JUDGE												
1st circuit.....	Magruder, Calvert.....	9th circuit.....	Sept. 1, 1959	June 30, 1960	28			\$829		\$375		\$1,204
Do.....	do.....	2d circuit.....	Nov. 1, 1959	Nov. 21, 1959	15			648				648
3d circuit.....	Maris, Albert B.....	Illinois (northern).....	Nov. 16, 1959	June 30, 1960	7	2	5	278		168		446
7th circuit.....	Major, J. Earl.....	Florida (southern).....	Nov. 2, 1959	Dec. 15, 1959								
Do.....	do.....	do.....	Feb. 29, 1960	Apr. 15, 1960	80	12	49	2,245		1,265		3,510
10th circuit.....	Phillips, Orrle L.....	District of Colum-bia circuit.....	May 2, 1960	May 31, 1960	8			247				247
SENIOR DISTRICT JUDGE												
3d circuit: Pennsylvania (eastern).....	Kirkpatrick, William H.....	Court of Customs and Patent Ap-peals.....	Oct. 6, 1959	Oct. 9, 1959	5			67	\$24			91
Do.....	do.....	do.....	Nov. 2, 1959	Nov. 4, 1959	3			36	18			54
Do.....	do.....	do.....	Dec. 1, 1959	Dec. 3, 1959	4			60	18			78
Do.....	do.....	do.....	Jan. 4, 1960	Jan. 13, 1960	10			132	48			180
Do.....	do.....	do.....	Mar. 1, 1960	Mar. 4, 1960	6			78	30			108
Do.....	do.....	do.....	Apr. 5, 1960	Apr. 8, 1960	6			78	30			108
Do.....	do.....	do.....	May 2, 1960	May 6, 1960	6			72	36			108
Pennsylvania (middle).....	Watson, Albert L.....	Mississippi (south-ern).....	Feb. 15, 1960	Mar. 19, 1960	53	1	1	1,142	498			1,640
4th circuit: North Carolina (middle).....	Hayes, Johnson J.....	Pennsylvania (western).....	Apr. 4, 1960	Apr. 30, 1960	19	5	11	571				571
Virginia (western).....	Barksdale, Alfred D.....	Court of Claims.....	Nov. 2, 1959	Nov. 6, 1959	8			239		89		328
5th circuit: Florida (southern).....	Barker, William J.....	California (northern).....	Sept. 14, 1959	Oct. 31, 1959 ¹								
Do.....	Holland, John W.....	North Carolina (eastern).....	July 1, 1959	July 31, 1959	3			148				148
Do.....	do.....	California (northern).....	Sept. 14, 1959	Oct. 31, 1959	48	5	25	1,593				1,593
Do.....	do.....	Arizona.....	Jan. 15, 1960	Mar. 5, 1960	38	7	21	1,244				1,244
Do.....	do.....	6th circuit.....	Apr. 2, 1960	Apr. 23, 1960	20			371				371
7th circuit: Illinois (eastern).....	Wham, Fred L.....	Colorado.....	July 1, 1959	July 31, 1959	26	6	17	568				568
Do.....	do.....	California (southern).....	Nov. 1, 1959	Nov. 30, 1959 ²								
Do.....	do.....	New York (southern).....	Mar. 7, 1960	Apr. 1, 1960	26	7	13	880				880
8th circuit: Missouri (western).....	Reeves, Albert L.....	West Virginia (southern).....		(4)				127				127

Do.....	do.....	New York (south- ern).....	Oct. 5, 1959	Dec. 5, 1959	58	9	34	1,307	799	2,196
Do.....	do.....	California (south- ern).....	Feb. 1, 1960	Mar. 31, 1960	71	2	43	1,591	575	2,167
Do.....	do.....	New York (eastern).....	May 5, 1960	June 30, 1960	25	5	17	727	353	1,080
Nebraska.....	Delchant, John W.....	Madison.....	Feb. 1, 1960	Apr. 30, 1960	3	3	215	215	215	218
Do.....	Folly, Roger T.....	Tennessee (eastern).....	Feb. 1, 1960	Feb. 6, 1960	94	22	31	1,407	155	2,562
Do.....	Do.....	Pennsylvania (west- ern).....	Jan. 4, 1960	Feb. 6, 1960	33	4	22	1,258	774	1,932
9th circuit: Nevada.....	Vaught, Edgar S. ¹	Tennessee (eastern).....	Sept. 21, 1959	Nov. 1, 1959 ²						
10th circuit: Oklahoma (western).....	Do.....	Do.....								
SENIOR JUDGE, OTHER										
Customs and Patent Appeals, Do.....	Jackson, Joseph R.....	District of Colum- bia.....	July 1, 1959	Dec. 31, 1959	160	70	150			
Do.....	do.....	do.....	Jan 1, 1960	June 30, 1960	863	157	439	18,201	702	24,407
Total.....										

SUMMARY

Contributing courts	Number of judges	Courts visited	Actual days on assignment	Number of trials	Number of trial days	Cost of travel				Total
						Judge	Law clerk	Secretary	Reporter	
Circuit courts.....	2	Circuit courts.....	51			\$1,724		\$375		\$2,099
Do.....	2	District courts.....	87	14	54	2,623		1,433		3,956
Do.....	None	Special courts.....								
Total.....	4		138	14	54	4,247		1,808		6,055
District courts.....	1	Circuit courts.....	30			371				371
Do.....	7	District courts.....	497	73	235	12,821	\$498	3,607		16,926
Do.....	2	Special courts.....	48			762	204	89		1,055
Total.....	10		565	73	235	13,954	702	3,696		18,352
Special courts, total.....	1	District courts.....	160	70	150					
Grand total.....	15		863	157	439	18,201	702	5,504		24,407

¹ Actual days on assignment based on dates of arrival and departure. Number of days listed for assignments at district courts are of record, whereas number of days in attendance at special courts and circuit courts was constructed from travel expense vouchers.

² Days on which per diem charged.

³ Judge did not serve.

⁴ Returning to official station from prior year assignment.

⁵ Served Aug. 20 to Aug. 23, 1959, to complete unfinished business under prior year designation.

⁶ Deceased during fiscal year.

Service by senior judges in circuit courts or district courts within circuits: July 1, 1959-June 30, 1960

Circuit or district	Name of judge	Place of service	Num- ber of trial days	Cost of travel						
				Judge	Law clerk	Secre- tary	Report- er	Order	Total	
SENIOR CIRCUIT JUDGE										
2d circuit	Hand, Learned	2d circuit		\$263	\$144	\$198				\$605
Do	Hincks, Carroll C.	do	5	12						
Do	Medlin, Harold R.	Connecticut								
Do	Swan, Thomas W.	do			143		56			199
Do	Do	Connecticut	1	1						
3d circuit	Maris, Albert B.	3d circuit			407	387				794
Do	Do	Virgin Islands			239					239
4th circuit	Soper, Morris A.	4th circuit	1	3	1,165	723	618			2,506
6th circuit	Simons, Charles C.	6th circuit			694	473	415			1,492
7th circuit	Major, J. Earl	7th circuit			238		290			528
8th circuit	Sanborn, John B.	8th circuit			1,028		215			1,243
Do	Bone, Homer T.	9th circuit			287		269			556
Do	Do	Hawaii			692		668			1,360
Do	Healy, William	9th circuit			125					125
Do	Mathews, Clifton	do								
Do	Orr, William E.	10th circuit			243	228				471
Do	Huxman, Walter A.	Kansas			561					561
Do	Do	10th circuit	7	1	111					111
Do	Phillips, Orle L.	Colorado			427					427
Do	Do				247					247
SENIOR DISTRICT JUDGE										
2d circuit; New York (southern)	Conger, Edward A.	New York (southern)			199					199
3d circuit; Delaware	Leahy, Paul C.	Pennsylvania (eastern)	1	7	136					136
Pennsylvania (eastern)	Kirkpatrick, William H.	do			1,596	818	390			2,804
Pennsylvania (middle)	Watson, Albert L.	Pennsylvania (middle)	8	8						
4th circuit; Maryland	Chesnut, W. Calvin	4th circuit								
Do	Hayes, Johnson L.	North Carolina (eastern)	2	5	115					115
Do	Do	North Carolina (middle)	13	9	671					671
Do	Hutcheson, Sterling	North Carolina (eastern)			198					198
Do	Do	Virginia (eastern)	15	14	249					249
Do	Barksdale, Alfred D.	4th circuit			167					167
Do	Do	Virginia (eastern)	3	3	156					156
Do	Do	Virginia (western)	2	2	86					86
Do	Paul, John	4th circuit			174					174
Do	Do	Virginia (eastern)			25					25

(NOTE.—The following corrections were subsequently supplied:)

ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
SUPREME COURT BUILDING,
Washington, D.C., March 13, 1961.

HON. JOHN J. ROONEY,

Chairman, Subcommittee on Appropriations for State, Justice, and Federal Judiciary, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ROONEY: During the hearings on the appropriation estimates for the judiciary for fiscal year 1962 we submitted for the record, at your request, three statements which reflected for fiscal year 1960: (1) Service by senior judges in circuit courts or district courts within circuits, (2) assignments of senior judges for service in special courts and circuit courts or district courts of other circuits; and (3) assignments of judges for service in special courts and circuit courts or district courts of other circuits.

It since has been discovered that a substantial number of trials and trial days were omitted from one of the statements and we have, therefore, prepared the attached supplemental table and explanation which together with the table originally submitted for the record shows the full service by senior judges in circuit courts or district courts within circuits. Congressman Bow has been informed of the omission.

We regret that one of the tables furnished was incomplete and would appreciate your consideration of the facts presented herewith.

Sincerely yours,

WARREN OLNEY III, *Director.*

The table showing service by senior judges in circuit courts or district courts within circuits did not include the number of trials and trial days for some senior judges who served in their home districts, and therefore, was not comparable to the table shown on page 156 of the hearings on the appropriations for 1961. If the service shown on the attached supplement (312 trials and 717 trial days) had been included for 1960 as it was for 1959, the statement would have shown a total of 413 trials and 880 trial days as compared with 421 trials and 842 trial days in the previous year. The travel costs were correctly stated.

*Supplemental statement of service by senior judges in circuit courts or district courts
within circuits, July 1, 1959-June 30, 1960*

Circuit or district	Name of judge	Place of service	Number of trials	Number of trial days
SENIOR DISTRICT JUDGES				
1st circuit: Massachusetts.....	McCarthy, William T.....	Massachusetts.....	22	93
2d circuit:				
New York (eastern).....	Byers, Mortimer W.....	New York (eastern).....	20	62
New York (southern).....	Clancy, John W.....	New York (southern).....	29	51
Do.....	Conger, Edward A. ¹	do.....	9	38
Do.....	Knox, John C.....	do.....	5	14
Do.....	Leibell, Vincent L.....	do.....	5	24
3d circuit:				
Delaware.....	Rodney, Richard S.....	Delaware.....	1	1
Pennsylvania (eastern).....	Kirkpatrick, William H. ¹	Pennsylvania (eastern).....	6	33
Do.....	Welsh, George A.....	do.....	7	18
4th circuit:				
Maryland.....	Chestnut, W. Calvin ¹	Maryland.....	76	120
Virginia (western).....	Paul, John.....	Virginia (western).....	7	8
5th circuit:				
Florida (southern).....	Barker, William J. ¹	Florida (southern).....	2	3
Georgia (northern).....	Underwood, E. Marvin.....	Georgia (northern).....	20	39
Mississippi (northern).....	Cox, Allen.....	Mississippi (northern).....	2	1
6th circuit: Ohio (northern).....	Wilkin, Robert N.....	Ohio (northern).....	1	3
8th circuit: Iowa (southern).....	Hicklin, Edwin R.....	Iowa (southern).....	5	17
9th circuit:				
California (northern).....	Roche, Michael J.....	California (northern).....	41	61
California (southern).....	Weinberger, Jacob.....	California (southern).....	30	72
10th circuit: Oklahoma (western).....	Vaught, Edgar S. ¹	Oklahoma (western).....	2	5
District of Columbia Circuit:				
District of Columbia.....	Schweinhaut, Henry A. ¹	District of Columbia.....	22	54
Total.....			312	717

¹ Travel expenses incurred incident to performing the service indicated was included on previous statement.

Assignments of judges for service in special courts and circuit courts or district courts of other circuits, July 1, 1959-June 30, 1960

Contributing court	Name of judge	Court visited	Period of designation		Actual days on assignment	Num-ber of trials	Num-ber of trial days	Cost of travel				
			From—	To—				Judge	Law clerk	Secretary	Re-porter	Crier	Total
CIRCUIT JUDGE												
1st circuit.....	Aldrich, Bailey	3d circuit.....	Jan. 26, 1960	Jan. 29, 1960	7			\$229	\$315			\$544
Do.....	Woodbury, Peter	do.....	do.....	do.....	7			283	320			603
6th circuit.....	Martin, John D.	9th circuit.....	July 1, 1959	Aug. 15, 1959	2							
Do.....	do.....	California (north-ern).....	do.....	do.....	17	2	10					
Do.....	do.....	California (south-ern).....	do.....	do.....	31	8	19	892	607	\$745		2,244
Do.....	do.....	Florida (southern).....	Dec. 28, 1959	Mar. 18, 1960	82	22	39	1,305	1,232	1,116		3,743
9th circuit.....	Barnes, Stanley N.	Massachusetts.....	Mar. 12, 1960	Mar. 25, 1960	9	8	6	472				500
Do.....	do.....	2d circuit.....	Mar. 28, 1960	Apr. 8, 1960	14			472				472
Do.....	Hamlin, Jr., Oliver D.	do.....	June 13, 1960	June 17, 1960	12			337				1,513
Do.....	Hamley, Frederick G.	do.....	Apr. 1, 1960	Apr. 30, 1960	16			331	540			331
Do.....	do.....	Virginia (eastern).....	do.....	do.....	14	2	3	343	543			574
Do.....	Pope, Walter L.	6th circuit.....	Feb. 1, 1960	Feb. 29, 1960	22			331	543			674
10th circuit.....	Pope, David L.	2d circuit.....	Mar. 7, 1960	Mar. 11, 1960	14			507	537			674
District of Columbia circuit.....	Bazelon, David L.	9th circuit.....	Aug. 3, 1959	Aug. 17, 1959	14			543	451			1,044
Do.....	Fahy, Charles.	Court of Claims.....	Oct. 5, 1959	Oct. 9, 1959	5			517				517
DISTRICT JUDGE												
1st circuit: Maine.....	Gignoux, Edward T.	Pennsylvania (western).....	Oct. 12, 1959	Oct. 31, 1959	19	13	16	734	329		\$421	1,484
New Hampshire.....	Connor, Aloysius J.	New York (southern).....	Feb. 15, 1960	Apr. 1, 1960	22	4	10	586				586
2d circuit: New York (southern).....	Blocks, Alexander	California (southern).....	Mar. 1, 1960	Mar. 31, 1960	44	8	21	1,506				1,506
Do.....	Ryan, Sylvester J.	Washington (eastern).....	July 20, 1959	July 31, 1959	12	1	8					
Do.....	do.....	Colorado.....	Aug. 1, 1959	Sept. 30, 1959	29	6	9	1,350	407			1,757
3d circuit: New Jersey.....	Smith, William F.	New York (eastern).....	July 1, 1959	July 31, 1959 ²								
Do.....	do.....	do.....	Sept. 14, 1959	Dec. 31, 1959	74	4	16	470				543
Pennsylvania (eastern).....	Kraft, C. William, Jr.	Court of Customs and Patent Appeals.....	Feb. 1, 1960	Feb. 5, 1960	6			122			73	122
Do.....	Van Dusen, Francis L.	do.....	Feb. 8, 1960	Feb. 10, 1960	3			64	63			127

Pennsylvania (western).	Gourley, Wallace S.	Florida (southern)	Mar. 7, 1960	Mar. 25, 1960	23	6	14	791	522	416	1,729
Do.	McIlvaine, John W.	Oklahoma (eastern)	Nov. 12, 1959	Dec. 1, 1959	5	3	5	350	241	243	1,072
4th circuit: North Carolina (western).	Warlick, Wilson	Florida (southern)	Jan. 4, 1960	Jan. 16, 1960	12	3	6	434	380	380	814
South Carolina (western).	Wyche, Charles C.	do	Jan. 18, 1960	Jan. 29, 1960	12	8	8	429	288	288	717
5th circuit: Alabama (northern).	Lynne, Seybourn H.	New York (southern).	Nov. 2, 1959	Dec. 5, 1959	12	5	9	573			573
Louisiana (eastern).	Wright, J. Skelly	New York (eastern).	July 1, 1959	July 11, 1959	9	3	6	221	204	200	625
Mississippi (northern).	Clayton, Claude F.	Pennsylvania (western).	Nov. 30, 1959	Dec. 19, 1959	20	4	11	602	325	326	1,254
6th circuit: Michigan (eastern).	Picard, Frank A.	California (southern)	Dec. 7, 1959	Jan. 20, 1960	33	5	13	832		117	949
Do.	Freeman, Ralph M.	Florida (southern)	Mar. 1, 1960	Mar. 31, 1960	32	6	6	598	490	490	1,578
Ohio (northern).	Jones, Paul	California (southern).	July 27, 1959	Aug. 15, 1959	20	6	14	670			670
8th circuit: Arkansas (eastern and western).	Henley, J. Smith	Texas (western)	Apr. 18, 1960	May 7, 1960	17	9	10	517	337	347	1,683
Minnesota.	Donovan, Dennis F.	California (northern)	Feb. 1, 1960	Mar. 4, 1960	29	1	19	655		647	1,392
North Dakota.	Register, George S.	Florida (southern)	do	Mar. 10, 1960	26	16	15	619	888	456	1,963
9th circuit: California (southern).	Harrison, Benjamin	Ohio (southern)	May 1, 1960	May 31, 1960 ¹							
Do.	do	Tennessee (middle).	June 1, 1960	June 30, 1960	27	2	3	708		515	1,313
Do.	Mathes, William C.	Florida (southern)	Aug. 17, 1959	Sept. 18, 1959	127	20	35	4,128			4,128
Do.	Westover, Harry C.	do	Feb. 1, 1960	Feb. 29, 1960	26	9	19	1,117		615	2,119
Do.	Clark, Chase A.	Pennsylvania (western).	Oct. 5, 1959	Oct. 31, 1959							
Idaho.	Jameson, William J.	Virginia (eastern).	May 15, 1960	June 30, 1960	33	6	7	1,368	609		3,593
Montana.	Ross, John R.	New York (southern).	May 2, 1960	May 12, 1960	17			565	388	379	1,272
Nevada.	Kilkenny, John F.	Illinois (northern).	May 1, 1960	June 4, 1960 ²							
Oregon.	Solomon, Gus J.	New York (southern).	May 31, 1960	June 30, 1960	30	8	13	921		622	1,543
Do.	do	do	May 1, 1960	May 31, 1960	52	9	24	1,987	846		2,833
Washington (eastern).	Powell, Charles L.	do	May 1, 1960	June 30, 1960	34	6	22	1,118	494		1,612
Washington (western).	Boldt, George H.	do	Sept. 21, 1959	Oct. 20, 1959	31	3	22	1,132		721	1,873

See footnotes at end of table, p. 189.

Assignments of judges for service in special courts and circuit courts or district courts of other circuits, July 1, 1959-June 30, 1960—Con.

Contributing court	Name of judge	Court visited	Period of designation		Actual days on assignment	Num-ber of trials	Num-ber of trial days	Cost of travel				Total	
			From—	To—				Judge	Law clerk	Secre-tary	Re-porter		Crier
DISTRICT JUDGE—CON.													
10th circuit: Oklahoma (north- ern, eastern, and western).	Wallace, William R.	Texas (western).....	Mar. 23, 1960	June 30, 1960	11	1	9	\$315	\$152		\$246		\$713
Oklahoma (western).	Chandler, Stephen S.	New York (eastern).....	Oct. 19, 1959	Oct. 31, 1959	15	3	3	630	419				1,049
Do.....	do	Arizona.....	Mar. 27, 1960	Apr. 23, 1960	16	1	1	685	246		246		1,177
Do.....	Risley, Ross.	Texas (southern).....	May 9, 1960	May 27, 1960	20	7	10	443	219	\$274			986
Do.....	do	California.....	Jan. 1, 1960	Jan. 31, 1960	23	4	11	909	443	407			1,759
Utah.....	Christenson, A. Sher- man.	New York (eastern).....	Sept. 28, 1959	Oct. 31, 1959	17	5	10	621	512	467			1,600
Do.....	Ritter, Willis W.	California (northern).....	July 6, 1959	Aug. 28, 1959	39	8	13	1,321					1,321
Wyoming.....	Kerr, Ewing T.	New York (eastern).....	Oct. 12, 1959	Nov. 15, 1959	27	6	8	539		536			1,075
District of Columbia circuit:													
District of Colum- bia.	Holtzoff, Alexander.	New Hampshire.....	July 1, 1960	July 15, 1960 ²									
Do.....	Youngdahl, Luther W.	California (north- ern).....	Jan. 1, 1960	Jan. 31, 1960	30	2	11	841	674	651			2,166
Other courts:													
Court of Claims.....	Madden, J. Warren.	2d circuit.....	Feb. 1, 1960	Feb. 5, 1960	6			95	87				182
Customs and Pat- ent Appeals.....	Rich, Giles S.	District of Colum- bia.....	Nov. 16, 1959	Nov. 20, 1959	4								
Customs Court.....	Rao, Paul P.	Florida (southern).....	Nov. 2, 1959	Nov. 27, 1959	23	9	12	954		205			1,159
Total.....					1,333	262	826	39,206	11,707	12,880	3,573	\$633	67,969

SUMMARY

Contributing courts	Number of judges	Courts visited	Actual days on assignment	Number of trials	Number of trial days	Cost of travel					
						Judge	Law clerk	Secretary	Reporter	Crier	Total
Circuit courts	9	Circuit courts	108	42	77	\$3,518	\$972	\$1,871			\$6,361
	3	District courts	153			3,118	1,839	2,204			7,161
	1	Special courts	5								
Total	12		266	42	77	6,636	2,811	4,075			13,522
District courts	1	Circuit courts	17			505	388	379			1,272
	33	District courts	1,008	211	437	30,830	8,338	8,221	\$3,573	\$633	51,615
	2	Special courts	9			186	63				249
Total	36		1,034	211	437	31,521	8,809	8,600	3,573	633	53,136
Special courts	1	Circuit courts	6			95	87				182
	2	District courts	27	9	12	954		205			1,159
Total	3		33	9	12	1,049	87	205			1,341
Grand total	51		1,333	262	526	39,206	11,707	12,880	3,573	633	67,999

¹ Actual days on assignment based on dates of arrival and departure. Number of days listed for assignments at district courts are of record, whereas number of days in attendance at special courts and circuit courts was constructed from travel expense vouchers.

² Assignment began and was completed prior to July 1, 1959

³ Judge did not serve.

⁴ Deputy clerk.

Mr. ROONEY. Mr. Cederberg?

Mr. CEDERBERG. Off the record, if I may, Mr. Chairman.

Mr. ROONEY. Very well.

(Discussion off the record.)

Mr. ROONEY. Judge Weinman?

Judge WEINMAN. You were kind enough to let me leave to catch a plane this noon in order to make a conference in Dayton this afternoon. Before going, I would like to express my appreciation for having the privilege of attending such a meeting as this.

PROBLEMS OF METROPOLITAN AND RURAL DISTRICT COURTS

I would like to call your attention to a few things I have jotted down with relation to this hearing. I find myself with more responsibility here than I expected because with 86 district courts in the United States I am here representing evidently 73 because most of the budget committee are from the metropolitan areas, the 13 metropolitan areas. Most of the trouble you are hearing about, as far as the hearing is concerned, is about the 13. I see I should prepare myself for some of the problems of the other 73 because out of the 245 district judges one-half of them are in metropolitan areas and the other half are in the 73 areas.

I am really trying to represent half of the district judges. We have problems but not the same type of problems you find in the metropolitan areas. They have different problems from those we have in the smaller districts. For instance, I have no problems with relation to probation in southern Ohio. There are three of us there. I have never traveled outside my jurisdiction. As a result of this conversation, I would suggest to any that retire in my section of the country that they stay right there and help us bring the docket up to date.

ASSIGNMENT OF NEW DEPUTY CLERKS

There is one other thing. I am interested because Mr. Cederberg raised the question as to where these new deputy clerks might go if you would grant them. I do not even know where they might go. I have never inquired. I know there are problems in those other 73 jurisdictions with relation to clerks because we have one in southern Ohio. I merely call that to your attention because I think that we are hearing of the 13 metropolitan areas, and as I look over this committee, there are only two here from metropolitan areas. The rest are from areas I represent, and I recognize they have separate problems and they have to be looked at in that manner.

Mr. ROONEY. Judge, I think the members of the committee understand the difference between the problems in the other areas—let me call them nonmetropolitan areas—and metropolitan areas. Sometimes we spend a period of time discussing the metropolitan problems and other times the nonmetropolitan problems.

Judge WEINMAN. That is right. I think we have had all this discussion with reference to metropolitan problems rather than the other 73.

Mr. ROONEY. It is a different tempo of life.

Judge WEINMAN. 11,000 sounds so large compared to 1,100 when we are sitting alone as a judge.

I have one suggestion that I was just talking to Judge McGuire about that might be done by the Administrative Office. It would require one more mailing. It seems to me it might be well to send a letter to all judges to list the material that has been sent out that you are talking about and let them check "yes" or "no" whether it is valuable or not, whether it should be sent out. Perhaps some could be cut down. I do not remember the various things that have come over my desk. I would like to evaluate them as far as my own experience is concerned. Maybe I can have a little information for you at the next hearing.

I appreciate your cooperation.

Mr. ROONEY. Thank you, Judge Weinman. It has been nice to have you with us. I trust you will make your plane on time and have a safe trip.

Judge WEINMAN. Thank you.

(Discussion off the record.)

SUMMARY OF CASES TERMINATED IN THE U.S. DISTRICT COURTS IN
1958-60

Mr. ROONEY. Could we have at this point in the record a chart showing the number of cases disposed of by courts throughout the country in the last 3 fiscal years?

Judge CAMPBELL. Certainly.

Mr. ANDERSON. All types of cases?

Mr. ROONEY. Yes.

Judge CAMPBELL. Do you want them broken down by classification?

Mr. ROONEY. Yes; criminal, civil, and so on.

Judge CAMPBELL. And bankruptcy.

(The material supplied follows:)

Washington:	282	208	235	99	89	112	627	851	903
Eastern.....	520	541	500	223	214	162	1,847	1,829	1,917
Western.....	83	85	61	28	19	26	-----	-----	1
Guam.....							-----	-----	
10th circuit.....	2,833	2,664	2,587	1,767	1,476	1,665	5,969	5,679	5,459
Colorado.....	345	339	394	319	281	273	1,589	1,645	1,767
Kansas.....	880	948	899	362	234	287	1,462	1,929	1,503
New Mexico.....	320	341	280	267	328	362	145	1,172	222
Oklahoma:									
Northern.....	308	187	186	184	123	136	486	542	546
Eastern.....	216	167	143	181	117	134	43	48	48
Western.....	479	442	376	204	192	226	514	608	631
Utah.....	193	146	190	147	117	128	677	589	483
Wyoming.....	92	94	119	103	84	119	123	146	169

¹ Includes 46 terminated from the newly created U.S. district court.

² Includes 32 terminated from the newly created U.S. district court.

³ Includes 13 terminated from the newly created U.S. district court.

SALARIES OF REFEREES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Permanent positions.....	1,506	1,608	2,011
Positions other than permanent.....	355	371	276
Total personnel compensation.....	1,861	1,979	2,287
12 Personnel benefits.....	126	145	168
Total obligations.....	1,987	2,125	2,455

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	107	112	138
Full-time equivalent of other positions.....	33	33	25
Average number of all employees.....	139	143	162
Number of employees at end of year.....	172	179	189

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Salaries and benefits (total obligations).....	1,987	2,125	2,455
Financing: Unobligated balance lapsing.....	20		
New obligational authority (appropriation).....	2,006	2,125	2,455

Mr. ROONEY. The next item is entitled "Salaries of Referees" and is to be found at page 165 of the committee print. The justifications with regard thereto begin at page 215, which page we shall insert in the record, together with pages through 225.

(The pages follow:)

STATEMENT RELATING APPROPRIATION ESTIMATE TO CURRENT APPROPRIATION

Salaries of referees, U.S. courts (special fund), judiciary

1961 appropriation in annual act.....	\$2,125,000
Base for 1962.....	2,125,000
Net difference, 1962 over 1961:	

	Requirements		Difference increase (+) or decrease (-)
	1961 appropriated	1962 estimate	
Personnel compensation and benefits.....	\$2,125,000	\$2,455,000	+\$330,000
Total estimate for 1962.....			2,455,000

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—SALARIES OF REFEREES (SPECIAL FUND)

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$1,979,000	\$2,287,250	+\$308,250
12 Personnel benefits.....	146,000	167,750	+21,750
Total obligations.....	2,125,000	2,455,000	+330,000

Summary of increased requirements for 1962

Item No. and nature of expense (or savings)	Amount
1. 10 additional full-time referees at \$15,000 per annum (compensation and benefits).....	\$161,000
2. For conversion of 16 part-time referee positions to full time (compensation and benefits).....	119,100
3. For salary adjustments.....	42,400
4. Full-year cost (reduction of lapse), referee positions authorized for 1961.....	7,500
Total increase.....	330,000

JUSTIFICATION

Language changes

None.

Objectives

The district courts of the United States are constituted courts of bankruptcy, vested with original jurisdiction at law and in equity in proceedings brought under the bankruptcy statutes. This jurisdiction primarily is exercised through referees appointed by the several district courts. Their compensation and benefits are paid from this appropriation, which is derived from a special fund in the Treasury to which are deposited payments of fees and charges by parties to the proceedings. The present system is self-sustaining, and no appropriation from the general fund of the Treasury is required.

References to basic statutory authorities are contained in section O of the "Digest of Appropriations, the Judiciary," on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justifications

The number of bankruptcy cases filed in fiscal year 1960 reached another alltime peak of 110,034. The number of cases filed, the numerical increase, and the rate of increase during the past 5 years were as follows:

Fiscal year	Cases filed	Increase		
		Number	Percentage	
			Annual	Cumulative
1956.....	62,086			
1957.....	73,761	11,675	18.8	
1958.....	91,668	17,907	24.3	47.6
1959.....	100,672	9,004	9.8	62.2
1960.....	110,034	9,362	9.3	77.2

Of the total cases filed in 1960, 88.8 percent were nonbusiness bankruptcies (wage earners) and 11.2 percent were business bankruptcies (which includes merchants, manufacturers, others in business, farmers, and the professional groups). Exhibits E and F show the number of bankruptcy cases filed and

pending, fiscal years 1905-60 and the number and ratio of business to nonbusiness bankruptcies commenced, fiscal years 1940-60.

On July 1, 1959, there were 84,273 cases pending. During the year 99,317 cases were closed as compared with 110,034 filed, resulting in an increase in the pending caseload of 10,717 cases or 12.7 percent. This compares with an increase in the pending caseload in 1959 of 3,827 cases, or 4.8 percent. The number pending on June 30, 1960, was 94,990, a new alltime high. The number closed in 1960 (99,317) also was a new high.

It is estimated that the number of bankruptcy cases to be filed in 1962 will exceed 130,000, an increase of approximately 18 percent or 20,000 cases over total filings in 1960. It is expected that the ratio of business to nonbusiness bankruptcies will remain relatively constant. The following table shows the volume and ratio (percentage) of business and nonbusiness filings from 1956 through 1960:

Fiscal year	Non-business	Percent of total	Business	Percent of total	Total filings
1956.....	52,608	84.8	9,478	15.2	62,086
1957.....	63,617	86.3	10,144	13.7	73,761
1958.....	80,264	87.6	11,404	12.4	91,668
1959.....	88,943	88.3	11,729	11.7	100,672
1960.....	97,750	88.8	12,284	11.2	110,034

At the beginning of fiscal year 1961 the balance of the referees' salary and expense fund was approximately \$7,470,000. It is estimated that receipts to be deposited into the fund during fiscal year 1961 will aggregate \$6,420,000, bringing the total available for appropriation to \$13,890,000. Deducting the appropriations of \$2,125,000 for "Salaries of referees" and \$3,505,000 for "Expenses of referees," a balance of \$8,260,000 would remain in the fund at the end of the year. The latter appropriation item has been adjusted to include the proposed supplemental for pay increases under the Federal Employees Salary Increase Act of 1960, Public Law 86-568. Taking into account the proposed supplemental for 1961 of \$173,000 for other than pay costs, the balance in the fund at the beginning of fiscal year 1962 will be \$8,087,000. The supplemental estimates are, of course, tentative and subject to revision.

It is estimated that during fiscal year 1962 receipts to be deposited into the fund will aggregate \$7,040,000. Deducting the appropriation estimates for fiscal year 1962 of \$2,455,000 for Salaries of referees and \$4,465,000 for expenses of referees there would be a net gain (surplus) of \$120,000. At the end of fiscal year 1962 the surplus would exceed \$8.2 million dollars. This surplus cannot be used for any purpose other than the support of the bankruptcy courts, and, therefore, it is apparent that parties to the proceedings are now paying for a service which the bankruptcy courts cannot possibly render with the limited number of referees and clerical personnel that are currently available.

Detailed justification

The appropriation request for 1962 is \$2,455,000, or \$330,000 more than the amount appropriated for fiscal year 1961. The items of increase are explained as follows:

Additional full-time referees

It is requested that funds be provided for the employment of 10 additional full-time referees at \$15,000 per annum. The amount that will be required to establish these positions is \$161,000, of which \$150,000 is for personnel compensation and \$11,000 for related benefits—agency contributions to the civil service retirement fund and for group life insurance and health benefits.

In the past much of the increased work has been absorbed by the gradual change of part-time referee positions to a full time status and by increasing salaries to compensate referees for the devotion of a greater portion of their time to the work of the courts. In many instances, however, it is no longer possible to make such changes and new positions must be created. Provisions for clerical staffs, office space and equipment required by the new referees are included under the appropriation "Expenses of referees."

Conversion of part-time referee positions to full-time

The additional sum of \$119,100 (\$111,500 for compensation and \$7,600 for related benefits) is requested to permit the conversion of 16 part-time positions to full-time. Referees who formerly were designated to serve in a part-time capacity are currently handling caseloads comparable to that of full-time referees and, therefore, it is proposed that they be so designated and compensated.

Salary adjustments

It is requested that the additional sum of \$42,400 be provided for the adjustment of the salaries of full-time and part-time referees in bankruptcy who, due to increased caseloads, are required to devote a greater amount of time to the work of the courts. The estimate includes \$39,750 for personnel compensation and \$2,650 for related personnel benefits.

Full-year cost (reduction of lapse) referee positions authorized for 1961

The 1961 budget estimate included a request for funds with which to establish nine additional full-time referee positions. The House Appropriations Committee recommended an appropriation sufficient to employ only four additional full-time referees and the Senate Committee on Appropriations was requested to restore the sum of \$60,000 to be used for the employment of the equivalent of five full-time referees for approximately 9 months. The Senate committee responded favorably, approving the sum of \$2,150,000 or \$50,000 above the House allowance so as to permit the employment of four additional full-time referees (over and above the House allowance). The Senate-House conferees, however, agreed on an appropriation of \$2,125,000, which was \$25,000 more than the House committee had originally recommended and which was sufficient to employ the equivalent of only two full-time referees for approximately 9 months. It is requested that an additional \$7,500 be appropriated in 1962 for a reduction of lapse, or in other words, to cover the full-year cost of these two positions.

INCREASE REQUESTED FOR 1962

Mr. ROONEY. The request for salaries of referees is in the amount of \$2,455,000 which would be an increase of \$330,000 over the amount approved for the current fiscal year.

ADDITIONAL FULL-TIME REFEREES

The increases are shown at page 217 of the justifications and are made up of 4 items, the first of which is in the amount of \$161,000 for 10 additional full-time referees at \$15,000 per annum.

What about this, Mr. Covey?

Mr. COVEY. That is the number of additional full-time positions which we feel are essential to the handling of the increase in the volume of cases we are now getting and expect to get next year.

USE OF PART-TIME REFEREES

Mr. ROONEY. Why cannot this work be handled by part-time referees, the bulk of it being nonbusiness bankruptcies?

Mr. COVEY. The reason is that even though the bulk is nonbusiness bankruptcies, the volume is so heavy we simply cannot handle it on a part-time basis. In addition to that, it is the express policy in the Bankruptcy Act that a system of full-time referees be established wherever possible. We have tried to do that.

Part-time positions are expensive to operate and they cost a lot of money comparatively speaking. We get much better results in full-time offices, both from referee service standpoint and from the clerical service standpoint. The trend has been very definitely toward an increase in the number of full-time referees.

In 1948 when the system was set up, we started out with 49 full-time, and 114 part-time referees. We had a volume then of 18,510 cases. In 1960, which is the last full fiscal year, we had a volume of 110,034 cases and we had 110 full-time referees and 66 part-time, a total of 176 positions as against 163 positions in 1948.

As you will see, the increase is in the number of full-time positions and correspondingly the number of part-time positions has declined.

CONVERSION OF PART-TIME POSITIONS TO FULL TIME

Mr. ROONEY. Item No. 2 is for the conversion of 16 part-time referee positions to full-time?

Mr. COVEY. Yes, sir.

Mr. ROONEY. \$119,100, and this would mean you are asking for 26 full-time referees at the moment; is that right?

Mr. COVEY. Not full-time additional referees. We are asking for the 10 additional full-time referees and the conversion of 16. Now, those are—

Mr. ROONEY. So you would have 26 full-time referees?

Mr. COVEY. Yes, sir. That is correct.

At the same time you would lose 16 part-time referees.

I do not mean you would lose the personnel because most of them go on, but you would lose the referee positions.

Mr. ROONEY. Do these referees practice law?

Mr. COVEY. The part-time referees are permitted to but the full-time referees are not. That is another reason we should have a system of full-time referees; why it is preferable.

TOTAL REQUEST FOR SALARIES AND EXPENSES OF NEW FULL-TIME REFEREES

Mr. ROONEY. What is the total amount requested in this budget for both salaries and expenses of referees incident to the 26 full-time referees that we have been speaking about?

Mr. COVEY. Mr. Rooney, I have not segregated it that way, so that I could give you the figures, but these 10 additional full-time referee positions will have to be set up completely, quarters, staff, and furniture.

Mr. ROONEY. What is the total cost of all this?

Mr. COVEY. Mr. Rooney, I am sorry but I cannot pick it out here without a little time, but I will get it for you.

I have not got it assembled on that basis.

Mr. ANDERSON. May I give the figure?

Mr. COVEY. Yes.

Mr. ANDERSON. \$416,000 and it is two salary items plus \$136,000 in the expenses of the referees' appropriations.

Mr. ROONEY. Please repeat that.

Mr. ANDERSON. Yes, sir.

The total is \$416,000 and it is two salary items plus \$136,000 in the expenses of the referees' appropriations.

Mr. ROONEY. Does this include quarters and clerical help?

Mr. ANDERSON. Not clerical help.

Mr. ROONEY. What about the clerical help?

Mr. COVEY. Those full-time referee positions will require a staff of an average, I would say, four persons apiece.

There are perhaps some that will require more and some perhaps less.

Mr. ROONEY. I think it might be interesting to have the record show exactly what this requested increase means dollarwise, the cost of the quarters, the clerical help, the furniture, equipment, salaries of referees, so that we can compare that with the expected increase in the number of bankruptcies and determine how much per bankruptcy this will be. We know that most of them are nonbusiness bankruptcies and comparatively simple; is that right, Mr. Covey?

Mr. COVEY. Comparatively so, yes, but they still require.

(The materials referred to follows:)

Summary statement of the cost of additional full-time referees and the conversion of part-time referees to a full-time status as requested in the appropriation estimates for fiscal year 1962

	Additional full-time referees	Conversion of part-time referees to full-time status	Total
Requests for additional referees and conversions:			
Personnel compensation:			
10 full-time referees, at \$15,000.....	\$150,000		\$150,000
16 part-time referees to be converted to a full-time status.....		\$111,500	111,500
Personnel benefits (retirement, life insurance, health benefits).....	11,000	7,600	18,600
Total, salaries of referees.....	161,000	119,100	280,100
Expenses relating to requests for additional referees and conversions:			
Travel.....	5,500	4,500	10,000
Communications.....	5,500	4,500	10,000
Rental of office space.....	18,000	12,000	30,000
Printing and reproduction.....	2,200	1,800	4,000
Other services.....	1,100	900	2,000
Supplies and materials.....	5,500	4,500	10,000
Furniture and equipment for referees (chambers, court- rooms and general office space).....	70,000		70,000
Total.....	107,800	28,200	136,000
Clerk hire (72 out of 120 positions requested):			
Personnel compensation:			
40 clerical positions for 10 full-time referees.....	185,500		185,500
32 clerical positions for 16 part-time referees to be converted to full time.....		148,400	148,400
Personnel benefits.....	15,200	12,100	27,300
Furniture and equipment for clerks to referees (unit cost \$550).....	22,000	17,600	39,600
	222,700	178,100	400,800
Grand total.....	491,500	325,400	816,900

Mr. ROONEY. How much each of these would cost under the figures in this budget is what we want to know.

BANKRUPTCY CASES FILED

I do not believe we have as yet gotten into the statement of the number of bankruptcies.

Do you have that sheet?

Mr. COVEY. Yes, sir. I have copies of this material prepared for the committee and I will hand you a complete copy. The one you want is the second page.

Mr. ROONEY. We shall insert at this point in the record the statement with regard to the total filings of all types of bankruptcy cases of fiscal years ending June 30 of each year from 1900 through January 31, 1961.

(The material referred to follows:)

Total filings of all types of bankruptcy cases by fiscal years ending June 30 of each year from 1900 through Jan. 31, 1961

Fiscal year:		Fiscal year—Continued	
1900	21,938	1931	65,335
1901	19,007	1932	70,049
1902	18,482	1933	62,256
1903	16,875	1934	58,888
1904	17,082	1935	69,153
1905	16,946	1936	60,624
1906	12,972	1937	57,485
1907	14,160	1938	57,306
1908	17,818	1939	50,997
1909	18,018	1940	52,577
1910	18,053	1941	56,332
1911	19,338	1942	52,109
1912	19,745	1943	34,711
1913	20,930	1944	19,533
1914	22,959	1945	12,862
1915	27,632	1946	10,196
1916	27,368	1947	13,170
1917	24,838	1948	18,510
1918	20,385	1949	26,021
1919	14,048	1950	33,392
1920	13,558	1951	35,193
1921	22,812	1952	34,873
1922	38,165	1953	40,087
1923	41,304	1954	53,136
1924	43,519	1955	59,404
1925	45,641	1956	62,086
1926	46,374	1957	73,761
1927	48,758	1958	91,668
1928	53,064	1959	100,672
1929	57,280	1960	110,034
1930	62,845	1961 (7 months)	78,292

Mr. ROONEY. Mr. Covey, what do you estimate the total filings will be in fiscal year 1962?

Mr. COVEY. Mr. Rooney, I have not ventured an estimate for 1962 beyond what is in this request, which is 130,000 cases.

Mr. ROONEY. These are actual figures; are they not?

Mr. COVEY. Those you have before you; yes, sir.

Mr. ROONEY. Including the first 7 months to January 31 of 1961; is that right?

Mr. COVEY. Yes, sir.

Mr. ROONEY. What do you estimate for the period from February 1 to June 30, 1961?

Mr. COVEY. I estimate an increase in those 5 months over the same 5 months a year ago at 2,000 a month.

If I may amplify that just a little, the increase in the first 7 months totals 21,516 or an average increase of 3,075 per month. At that rate of increase there will be 146,900 cases filed this fiscal year.

That increase represents a percentage increase of 37.9 percent and at that rate of increase, if it continues during the next 5 months, that

will produce 151,700 cases. I do not believe they are going to go that high because the increase upswing started in February a year ago and we start from a higher base. I expect, and my judgment is, that the increase during the last 5 months will be in the area of 2,000 cases per month, and at that rate there will be 141,500 cases filed in 1961. My present estimate is that we will receive 143,000 cases this fiscal year.

Mr. ROONEY. What is your expert prognostication with regard to fiscal year 1962?

Mr. COVEY. I do not pretend to be an expert, Mr. Rooney.

Mr. ROONEY. You have been an expert for many years on most of these figures.

Mr. COVEY. We will leave it at that.

Mr. ROONEY. I think we only found you wrong once. That was a few years ago.

Mr. COVEY. That is right.

Mr. ROONEY. As I recall, we made a big thing out of it but we were really kidding you.

Mr. COVEY. Mr. Rooney, I missed it when I set up the 1962 figure at 130,000. We are going to have something in excess of 140,000 this year and I expect it is not going to turn down next year. It will be in excess of that next year, in my judgment. But somewhere along the line it is going to have to turn down. We cannot go on indefinitely.

I thought it was going to turn down when I was here a year ago and reduced the estimate but if I had stuck to my estimate, I would have hit it right on the nose, 110,000 cases.

I cannot say to you what that increase will be but the trick is going to be to call the turn when it turns down.

My best judgment is that it is going to continue up in 1962 and I think this request, based on 130,000 in 1962, is way too low.

If this appropriation is granted we will make every effort to handle the volume of cases and I hope the door will be open so that we can come back a year from now and get whatever supplemental we need for the volume we expect to get in 1962.

I hesitate to make any estimate for 1962.

BUSINESS AND NONBUSINESS BANKRUPTCY FILINGS AND STATUS OF BANKRUPTCY FUND

Mr. ROONEY. It might be well if we also included in the record the statement with regard to the number of bankruptcy cases filed by business and nonbusiness groups in fiscal years 1940 through 1960, together with the statement of payments into and obligations against the referees' salary and expense fund covering the period from July 1, 1955, through June 30, 1962.

(The documents follow:)

Number of bankruptcy cases filed by business and nonbusiness groups in the fiscal years 1940 through 1960

Fiscal year	Nonbusiness	Percent of total	Business	Percent of total	Total filings
1940.....	39,073	74.7	13,248	25.3	52,321
1941.....	44,713	79.4	11,619	20.6	56,332
1942.....	42,251	81.1	9,858	18.9	52,109
1943.....	28,782	82.9	5,929	17.1	34,711
1944.....	16,752	85.8	2,781	14.2	19,533
1945.....	11,051	85.9	1,811	14.1	12,862
1946.....	8,566	84.0	1,630	16.0	10,196
1947.....	10,234	77.7	2,936	22.3	13,170
1948.....	13,537	73.1	4,973	26.9	18,510
1949.....	19,144	73.6	6,877	26.4	26,021
1950.....	25,040	75.0	8,352	25.0	33,392
1951.....	27,806	79.0	7,387	21.0	35,193
1952.....	28,331	81.2	6,542	18.8	34,873
1953.....	33,315	83.1	6,772	16.9	40,087
1954.....	44,248	83.3	8,888	16.7	53,136
1955.....	50,219	84.5	9,185	15.5	59,404
1956.....	52,608	84.8	9,478	15.2	62,086
1957.....	63,617	86.3	10,144	13.7	73,761
1958.....	80,264	87.6	11,404	12.4	91,668
1959.....	88,943	88.3	11,729	11.7	100,672
1960.....	97,750	88.8	12,284	11.2	110,034
1961 (1st half).....	59,195	89.6	6,889	10.4	66,084

Payments into and obligations against the referees' salary and expense fund covering the period from July 1, 1955, through June 30, 1962¹

Fiscal year	Receipts	Obligations	Surplus
1956.....	\$3,693,273	\$2,986,749	\$706,524
1957.....	3,933,080	3,389,493	543,587
1958.....	4,427,837	4,135,495	292,342
1959.....	5,290,072	4,732,460	557,612
1960.....	5,880,301	5,010,026	870,275
1961 ²	6,854,000	² 5,929,000	² 925,000
1962 ²	7,540,000	² 6,843,100	² 696,900

¹ For the purposes of this table the referees' salary and expense funds have been consolidated.

² Estimated.

³ Includes regular and supplemental appropriation as requested.

Surplus, June 30, 1955.....	\$4,500,127
Total estimated surplus as of June 30, 1961.....	8,394,867
Total estimated surplus as of June 30, 1962.....	9,091,767

TYPES OF BUSINESS BANKRUPTCY CASES, 1946-60

Mr. ROONEY. It might be well if we inserted at this point in the record the statement with regard to the number of bankruptcy cases filed by type of business in the fiscal years 1946 through 1960. (The document follows:)

Number of bankruptcy cases filed, by type of business, in the fiscal years 1946 through 1960

Fiscal year	Farmer	Em- ployee	Profes- sional	Others not in busi- ness	Mer- chants	Manu- fac- turer	Others in busi- ness	Total	National popula- tion
1946.....	260	7,618	112	948	236	201	821	10,196	141,389,000
Percent of total.....	2.6	74.7	1.1	9.3	2.3	2.0	8.1	100	.....
1947.....	183	9,396	111	838	631	596	1,415	13,170	144,126,000
Percent of total.....	1.4	71.3	.8	6.4	4.8	4.5	10.7	100	.....
1948.....	167	12,546	114	991	1,338	808	2,546	18,510	146,631,000
Percent of total.....	.9	67.8	.6	5.3	7.2	4.4	13.8	100	.....
1949.....	232	17,772	159	1,372	1,969	853	3,664	26,021	149,188,000
Percent of total.....	.9	68.3	.6	5.3	7.6	3.3	14.1	100	.....
1950.....	290	22,933	126	2,107	2,565	803	4,568	33,392	151,677,000
Percent of total.....	.9	68.7	.4	6.3	7.7	2.4	13.7	100	.....
1951.....	205	25,984	127	1,822	2,360	522	4,173	35,193	154,360,000
Percent of total.....	.6	73.8	.4	5.2	6.7	1.5	11.9	100	.....
1952.....	196	26,527	137	1,804	2,319	532	3,358	34,873	156,981,000
Percent of total.....	.6	76.1	.4	5.2	6.6	1.5	9.6	100	.....
1953.....	214	31,253	140	2,062	2,402	518	3,498	40,087	159,696,000
Percent of total.....	.5	78.0	.3	5.1	6.0	1.3	8.7	100	.....
1954.....	322	40,889	154	3,359	3,191	745	4,476	53,136	162,409,000
Percent of total.....	.6	77.0	.3	6.3	6.0	1.4	8.4	100	.....
1955.....	386	46,163	217	4,056	3,317	750	4,515	59,404	165,248,000
Percent of total.....	.6	77.7	.4	6.8	5.6	1.3	7.6	100	.....
1956.....	400	48,784	212	3,824	3,155	730	4,981	62,086	168,091,000
Percent of total.....	.6	78.6	.3	6.2	5.1	1.2	8.0	100	.....
1957.....	405	59,053	204	4,564	3,160	665	5,710	73,761	171,191,000
Percent of total.....	.5	80.1	.3	6.2	4.3	.9	7.7	100	.....
1958.....	332	73,379	284	6,886	3,504	758	6,525	91,668	174,000,000
Percent of total.....	.4	80.1	.3	7.5	3.8	.8	7.1	100	.....
1959.....	408	81,516	430	7,427	3,400	634	6,857	100,672	177,128,000
Percent of total.....	.4	81.0	.4	7.4	3.4	.6	6.8	100	.....
1960.....	453	89,639	495	8,111	3,157	624	7,555	110,034	180,670,000
Percent of total.....	.4	81.4	.4	7.4	2.9	.6	6.9	100	.....
1961 (6 months).....	234	54,053	281	5,142	1,878	357	4,139	66,084	182,236,678
Percent of total.....	.4	81.8	.4	7.8	2.8	.5	6.3	100	.....

BALANCE IN REFEREES' SALARY FUND

Mr. ROONEY. What was the balance in the referees' salary fund as of June 30, 1960?

Mr. COVEY. The balance in the two funds surplus in the——

Mr. ROONEY. I am asking you now about the salary fund. As far as we are concerned, these funds were set up by this committee and we still consider them separate and apart.

Mr. COVEY. Yes, sir.

Mr. ROONEY. I am now referring to the salary fund.

Mr. COVEY. The figures I have here have consolidated the two funds and I do not have with me those figures broken down into the two funds in 1960. I do not believe I have it with me.

Mr. ROONEY. Mr. Covey, you know our approach to this. We are going to continue from here on out to look at this as a matter of two separate funds, the way it was started, and not a consolidation of the two funds as provided by some legislation that was passed a couple of years ago on the Consent Calendar.

Mr. COVEY. I shall prepare them that way from here on. I do not have it with me now.

Mr. ROONEY. Can you give us what is——

Mr. ANDERSON. Mr. Chairman, may I say something?

Mr. ROONEY. Yes.

Mr. ANDERSON. The statute to which you are referring consolidated the two funds into one in the Treasury. We followed that last year

and made one appropriation and then followed your suggestion and split the appropriations again.

Mr. ROONEY. We indicated last year what we wanted and we set up the two items separately in the bill we reported out. This was agreed to by the other body. You are now back with two separate items.

This is a question directed to one of those two separate items.

What was the amount in the fund as of last June 30? I also want to know what is the estimate of the amount that will be in the fund on the coming June 30 as well as for a year from the coming June 30, or June 30, 1962.

Mr. ANDERSON. We, who are accounting for these moneys, are getting the moneys deposited now by the various courts into the single fund so that it no longer is divided on the way into the Treasury. Therefore, I am not able to tell you how much is in the salary fund. The fund itself has been consolidated into the Treasury but we are perfectly willing to go along with two appropriations drawn from a single fund.

Mr. ROONEY. We want to know so as to intelligently consider this item. What was the balance in the fund last June 30?

Mr. COVEY. Mr. Rooney, that will be available as of June 30, 1960, but after that I do not believe it will be available because it is all transferred into the Treasury in one account. I can get it for you.

(The information following was subsequently supplied:)

The balance in the referees' salary fund on June 30, 1960, was \$5,523,965.

Mr. ROONEY. What?

Mr. ANDERSON. That was a statutory change.

Mr. ROONEY. Was the bill passed on the consent calendar?

Mr. ANDERSON. I have no idea, but we are just following it and we just now have a single balance from which we draw the two appropriations.

Mr. ROONEY. Well, there is only one other way to handle it, instinct tells me.

Judge CAMPBELL. Can it be computed?

Mr. COVEY. Not after June 30, 1960, because the charges are made in one amount and a portion of the filing fee is deposited in one sum.

Judge CAMPBELL. Can you start setting it up separately again?

Mr. COVEY. That was part of the purpose of consolidating, to get away from all of that bookkeeping.

Judge CAMPBELL. I know it is a lot of clerical work.

Mr. COVEY. It is a lot of clerical work in the clerk's office and the referee's office, and in our office, to separate those, and that was the purpose of the statutory change, to consolidate and cut down on the work.

PAYMENT OF NEW POSITIONS OUT OF BANKRUPTCY FUND

Mr. ROONEY. Mr. Covey, a while ago we heard in connection with the request for the Administrative Office a demand for two positions in bankruptcy. Why should they not be paid out of the bankruptcy fund?

Mr. COVEY. That has been proposed and perhaps with justification. Personally, I do not oppose it and I think that it probably would be

a help if it was handled that way. It is a very difficult thing and it may be difficult to set it up in the beginning as to the proper proportion as between the operation of the Administrative Office devoted to bankruptcy which would be reimbursed or appropriated out of the salary and expense fund. It could be done.

NUMBER OF PEOPLE IN THE BANKRUPTCY DIVISION OF ADMINISTRATIVE OFFICE

Mr. ROONEY. How many people did you have in the Bankruptcy Office of the Administrative Office as of 5 years ago?

Mr. COVEY. That would be in 1955?

Mr. ROONEY. Yes.

Mr. COVEY. We had five.

Mr. ROONEY. How many do you have now?

Mr. COVEY. Ten.

Mr. ROONEY. None of these salaries is taken out of its accounts?

Mr. COVEY. The salary and expense fund, that is correct.

Mr. AIRHART. Mr. Rooney, may I say something?

Mr. ROONEY. Yes.

Mr. AIRHART. That has been something that has interested us on the budget side, too. We got into it and did a little research and probably the reason that a direct 100 percent bankruptcy administration costs in our office have not been charged to the fund is that the Division was set up in 1942. The funds for paying for costs of bankruptcy were not set up until 1945, and I rather think that the continuation of the practice of taking these costs in our office out of general appropriations just continued because it started before the fund. From the standpoint of separating 100 percent costs for charges to the fund, we would have no great difficulty.

It would be the entire Bankruptcy Division and the Bankruptcy Statistical Section. Beyond that, I do not think general administrative costs could appropriately be charged, they are part of our office's general responsibility.

Mr. COVEY. Mr. Rooney, might I correct—

Mr. ROONEY. Just a minute.

Is there legal authority at the present time to do this?

Mr. AIRHART. I would say so.

Our Bankruptcy Division was created by congressional approval of the Appropriations Committee recommendations. The Division itself was created after a survey was made by the Justice Department and a recommendation made by way of appropriations. In other words, the authority is totally an appropriation authority and there is no other basic legislation.

Mr. ROONEY. It started in appropriations but you did not stay with appropriations when you wanted to amalgamate the fund, did you?

Mr. AIRHART. No, sir. A change in that legislation, I do not think, could have been made by appropriations.

Mr. ROONEY. Are there any questions with regard to salaries of referees?

Mr. COVEY. Might I correct the record?

Mr. ROONEY. Yes.

Mr. COVEY. Mr. Airhart said, I think, the salary system started in 1945.

Mr. ROONEY. He also mentioned 1942.

Mr. COVEY. That is when the Bankruptcy Division was started, 1942.

Mr. ROONEY. This was set up around 1945 or 1946, was it not?

Mr. COVEY. That is what I wanted to correct. It was July 1, 1947, when the salary system began.

Mr. AIRHART. Thank you.

EXPENSES OF REFEREES

Object classification

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
11 Personnel compensation:			
Permanent positions.....	2,046	2,426	3,038
Positions other than permanent.....	207	235	235
Other personnel compensation.....	18	11	1
Total personnel compensation.....	2,271	2,672	3,274
12 Personnel benefits.....	149	193	241
21 Travel and transportation of persons.....	77	80	90
22 Transportation of things.....	5	7	7
23 Rent, communications, and utilities.....	287	322	382
24 Printing and reproduction.....	25	30	34
25 Other services.....	13	16	24
26 Supplies and materials.....	78	80	92
31 Equipment.....	117	105	320
Total obligations.....	3,023	3,505	4,465

Personnel summary

	1960 actual	1961 estimate	1962 estimate
Total number of permanent positions.....	500	520	640
Full-time equivalent of other positions.....	52	55	55
Average number of all employees.....	522	565	685
Number of employees at end of year.....	596	590	710

Program and financing

[In thousands of dollars]

	1960 actual	1961 estimate	1962 estimate
Program by activities: Clerk hire and miscellaneous expenses of referees (total obligations).....	3,023	3,505	4,465
Financing: Unobligated balance lapsing.....	27		
New obligational authority.....	3,050	3,505	4,465
Appropriation.....	3,050	3,300	4,465
Proposed supplemental due to pay increases.....		205	

Mr. ROONEY. The last item is entitled "Expenses of Referees" and is to be found at page 167 of the committee print and beginning at page 226 of the justifications.

We shall insert at this point in the record pages 226 through 243 of these justifications.

(The pages follow:)

STATEMENT RELATING APPROPRIATION ESTIMATES TO CURRENT APPROPRIATION

Expenses of referees, U.S. courts (special fund), judiciary

1961 appropriation in annual act.....	\$3,300,000
1961 proposed supplemental due to pay increases.....	205,000
Base for 1962.....	3,505,000
Net difference, 1962 over 1961:	

	Requirements		Difference, increase (+) or de- crease (-)	
	1961 adjusted	1962 estimate		
Clerk hire (compensation and benefits).....	\$2,865,000	\$3,515,500	+\$650,500	
Miscellaneous expenses.....	640,000	949,500	+309,500	
Total.....	3,505,000	4,465,000	+960,000	
Total estimate for 1962.....				4,465,000

Statement showing analysis by object

Object	1961 estimate	1962 estimate	Increase (+) or decrease (-)
11 Personnel compensation.....	\$2,672,200	\$3,274,000	+\$601,800
12 Personnel benefits.....	192,800	241,500	+48,700
21 Travel and transportation of persons.....	80,000	90,000	+10,000
22 Transportation of things.....	7,000	7,000	
23 Rent, communications, and utilities.....	322,000	382,000	+60,000
24 Printing and reproduction.....	30,000	34,000	+4,000
25 Other services.....	16,000	24,000	+8,000
26 Supplies and materials.....	80,000	92,400	+12,400
31 Equipment.....	105,000	320,100	+215,100
Total obligations.....	3,505,000	4,465,000	+960,000

¹ Includes \$205,000 proposed supplemental due to pay increases.

Summary of increased requirements for 1962

Item No. and nature of expenses (or savings)	Amount
1. Deduction for nonrecurring expenses authorized for 1961 not re- quired in 1962.....	-\$24,000
2. Provision for within-grade salary advancements.....	59,000
3. Additional clerical personnel required to handle increased caseload (compensation and related benefits).....	602,000
4. Miscellaneous expenses (including the nonrecurring cost of equip- ment and furniture) in relation to the request for additional referees under the appropriation "Salaries of referees".....	136,000
5. To provide furniture and equipment for new clerical personnel.....	66,000
6. To cover an increase in the volume of mail in relation to the rising caseload.....	20,000
7. To purchase 12 electronic recording machines (including auxiliary equipment) and a supply of magnetic bands.....	18,000
8. For tenant alterations and other services to be performed by the General Services Administration on a reimbursable basis (in prior years such services were provided by the General Services Administration at no expense).....	6,000
9. For an additional sum required to purchase furniture which prior to 1960 was supplied by the General Services Administration.....	40,000
10. To provide furniture and furnishings incident to the occupancy of new buildings scheduled to be completed during fiscal year 1962 or within 90 days thereafter.....	37,000
Total (net) increase.....	960,000

JUSTIFICATION

Language changes

None.

Objectives

Office and other expenses of referees, including compensation and benefits of clerical employees, are payable upon authorization of the Director of the Administrative Office of the U.S. Courts. This appropriation is derived from a special fund in the Treasury to which are deposited payments of fees and charges by parties to the proceedings. The present system is self-sustaining, and no appropriation from the general fund of the Treasury is required. Reference to basic statutory authorities is contained in section P of the Digest of Appropriations, the judiciary, on file with the Bureau of the Budget and the Appropriations Committees of the Congress.

General justification

On the basis of 130,000 bankruptcy cases forecast for fiscal year 1962, 20,000 more than in 1960, a further expansion of the personnel of the bankruptcy courts is required. Caseload data appear in the account for "salaries of referees."

More than 88 percent of the new cases are filed by employee debtors and others not in business. While these cases ordinarily do not involve extensive assets, they are, nevertheless, important and must receive the same careful attention of the referee and his staff. The nonbusiness cases require considerable clerical effort, whereas the referees must devote more time and attention to the business bankruptcies.

Detailed justifications

The appropriation request for 1962 is \$4,465,000, or \$960,000 more than the amount appropriated for fiscal year 1961, which has been adjusted to include a proposed supplemental for pay increases under the "Federal Employees Salary Increase Act of 1960," Public Law 86-568.

Deduction for nonrecurring expenses

The following nonrecurring expenses which were authorized for fiscal year 1961, have been deducted in establishing the budgetary requirements for 1962:

<i>Nature of expense</i>	<i>Amount deducted</i>
Cost of extra compensable day in 1961 not required in 1962-----	\$10,500
Expense of providing equipment and furniture for new personnel (authorized for 1961)-----	8,000
Expense of furniture and furnishings required incident to the occupancy of new buildings to be completed during 1961-----	5,500
Total deduction-----	24,000

Provision for within-grade salary advancements

All of the clerks to referees are subject to the promotional plan for judicial personnel and will be granted step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended.

It is estimated that these within-grade salary advancements will cost \$59,000, of which \$55,200 represents an increase in compensation and \$3,800 for related benefits—agency contributions to the civil service retirement fund and for group life insurance. The estimate, which represents approximately 80 percent of the full potential cost of step increases, is net of anticipated savings due to turnover of personnel and the filling of vacancies at lower rates of pay.

Additional clerical personnel

The sum of \$602,000 is requested for the employment of 120 additional clerical employees as follows:

Personnel compensation:	
10 clerks (legal), GS-9, at \$6,435	\$64,480
20 chief clerks, GS-7, at \$5,355	107,328
10 clerks, GS-6, at \$4,830	48,464
40 clerks, GS-5, at \$4,345	173,888
40 clerks, GS-4, at \$4,040	162,240
Total personnel compensation	556,400
Personnel benefits: Agency contributions—retirement, life insurance and health benefits	45,600
Total personal services and benefits	602,000

The additional personnel will be needed to staff the new referees' offices and to assist in handling the increased volume of work in established offices.

Expenses relating to request for additional referees

Under the appropriation "Salaries of referees," funds have been requested for the compensation and benefits of 10 additional full-time referees and for the conversion of 16 part-time referees to a full-time status. The sum of \$136,000 is included in this appropriation to cover the expenses (including the cost of equipment, furniture and library facilities) of the new referees and to provide for an expansion of the facilities of part-time referees who are to be converted to a full-time status. The expenses are itemized below:

Travel	\$10,000
Communication services	10,000
Rental of office space	30,000
Printing and reproduction	4,000
Miscellaneous services	2,000
Supplies and materials	10,000
Furniture and equipment, including library facilities (nonrecurring)	70,000
Total	136,000

The cost of travel, rent, communications, printing, supplies and materials are estimated on a unit cost basis. Unit costs are derived from samplings of expenses currently being incurred by established offices.

The sum of \$70,000 representing the cost of furniture and equipment, including library facilities, is the amount that will be required to establish the offices of the 10 new full-time referees. It is estimated that approximately \$7,000 will be needed for each new office (exclusive of furniture and equipment required for clerical personnel) as follows:

Chambers	\$1,730
General office space	2,490
Courtroom	2,845
Total	¹ 7,065

¹ Nonrecurring.

Furniture and equipment required for new clerical personnel

The sum of \$66,000 is included to cover the expense of providing new clerks to referees with typewriters, desks, chairs, and other miscellaneous equipment. The cost estimate was established by the application of a unit cost of \$550. The expense, of course, is nonrecurring and a deduction will be made in establishing the budgetary requirements for fiscal year 1963.

Increased volume of mail

It is estimated that an additional \$20,000 will be required in fiscal year 1962 to cover an increase in the volume of mail. Postage and fees (formerly penalty mail) are paid for mailing notices of bankruptcy proceedings to creditors and other parties in interest. This cost averages almost \$1.50 and on the basis of an estimated 130,000 cases forecast for fiscal year 1962, the sum of approxi-

mately \$190,000 will be required for this purpose. The sum of only \$170,000 is available in the base appropriation.

Electronic recording machines

The 1962 budget estimate contains provision for the purchase of 12 electronic recording machines (including auxiliary equipment) at a cost of \$1,300 each. The sum of \$2,400 also is included for the purchase of a supply of magnetic bands.

The extent to which bankruptcy court proceedings are recorded and transcribed varies considerably between districts. In some districts a reporter is not present for either first meetings of creditors or any other proceedings in the bankruptcy courts unless requested by one of the parties involved. In other districts a court reporter is present for all first meetings of creditors pursuant to a local rule of court requiring a verbatim record of all proceedings in the bankruptcy courts.

Most bankruptcy courts are served by private (free-lance) reporters who have agreed to report all proceedings, or provide a substitute to do so, for fees fixed by the court. The bankruptcy reporter's compensation is entirely on a fee basis, with all fees paid by the parties. The most common attendance fee for a "first meeting" is \$3 per case. In many offices the clerks or referees perform the reporting function and fees which are charged the parties to the proceedings are deposited into the referees' salary and expense fund.

It is proposed that the recording machines be installed in bankruptcy courts that requires a verbatim record to be made in every case. The practice of requiring verbatim records of bankruptcy proceedings is becoming increasingly common. It also is becoming more and more difficult to obtain the services of private reporters. In many instances, the installation of recording machines would obviate the need for employing private or free-lance reporters. Fees prescribed by the judicial conference or by local rule of court for the recording service would be deposited into the salary and expense fund. The installation of these recording machines would produce additional revenue and in the long run the cost would be more than offset.

Tenant alterations and services

Referees occupying space in post office buildings and in General Services Administration buildings who in the past required space alterations, such as installing, removing and relocating of partitions (subject to approval of the building superintendent) and the moving of furniture and office equipment were provided such services by the General Services Administration at no expense. Recently, the General Services Administration announced that they were not budgeting for this expense in 1962 and that tenant alterations and services would be provided on a reimbursable basis. It is estimated that the sum of \$6,000 will be required in fiscal year 1962 to cover such services.

The estimate was arrived at by the application of a unit cost of 3 cents per square foot of such space occupied by referees.

For a more detailed account of the events which led to the change in the policy of the General Services Administration, reference is made to the justification of a similar request for funds under the appropriation "Travel and miscellaneous expenses."

Replacement furniture for referee's offices located in GSA buildings

The appropriation estimate for fiscal year 1961 included a request of \$50,000 in order that the courts may assume the responsibility of providing furniture for referees located in buildings managed by the General Services Administration. Prior to fiscal year 1960, that agency provided the furniture for referees' offices. In the administrative allocation of the amount appropriated by the Congress for fiscal year 1961, it was apparent that the entire \$50,000 requested had not been allowed. It was possible to allocate only \$10,000 for this purpose, or \$40,000 less than the estimated total requirement. The estimate of \$50,000 was based on the experience of the General Services Administration during 1958 and 1959. Based on our own experience during fiscal year 1960 and the demand for furniture during the current fiscal year, there is no doubt that an additional \$40,000 will be required for this purpose.

Furniture requirements incident to the occupancy of new buildings

On December 28, 1959, the General Services Administration in its Circular No. 197, announced that Federal agencies are to assume financial responsibility for furniture and furnishings required incident to the occupancy of new build-

ings beginning with fiscal year 1961. It is estimated that the sum of \$37,000 will be required for this purpose as follows:

Location	Date scheduled for completion	Amount
Sacramento, Calif.	August 1961 ¹	\$10,900
Oklahoma City, Okla.	November 1961	7,300
Houston, Tex.	February 1962	9,800
Brooklyn, N.Y.	July 1962	9,000
Total		37,000

¹ The estimate for Sacramento, Calif. also is included in a 1961 supplemental appropriation request. If construction of the building progresses as scheduled, funds will be required in fiscal year 1961, in which event the total estimate for 1962 may be adjusted downward.

The estimates were furnished by the General Services Administration in accordance with an agreement between the Director of the Administrative Office of the U.S. Courts and the Administrator of the General Services Administration. The estimates were prepared by the General Services Administration's regional offices subject to review and summarization by the central office of the General Services Administration.

INCREASE REQUESTED FOR 1962

Mr. ROONEY. These pages indicate that the request is in the amount of \$4,465,000, which would be an increase of \$1,165,000 over the appropriations to date in the current fiscal year. The increases are to be found at pages 228 and 229, and under item No. 3 on page 228 we find a request for \$602,000.

ADDITIONAL CLERKS

This \$602,000 is for 120 additional clerks?

Mr. COVEY. Yes, sir; it is.

However, the same 120 positions we also requested in the supplemental appropriation.

DUPLICATION OF ITEMS IN THE PENDING SUPPLEMENTAL REQUEST

Mr. ROONEY. Is there anything in this budget under "Expenses of referees" which is a duplication of items other than salary contained in the supplemental request presently pending before the Deficiency Subcommittee?

Mr. COVEY. Yes, sir; there is one item, No. 5, which is in the supplemental appropriation in the amount of \$66,000. If that is granted, it can come out here.

There is one item, No. 10 on the next page, of \$10,900 for furniture at Sacramento. I might say that that item in the supplemental can be reduced to \$7,500.

Is that right, Mr. Anderson?

Mr. ANDERSON. Yes, sir.

Mr. COVEY. Mr. Anderson informed me of that this morning but it should come out entirely here if it is included in the supplemental.

ELECTRONIC RECORDING MACHINES

Mr. ROONEY. What is this item No. 7, the purchase of 12 electronic recording machines, including auxiliary equipment and magnetic bands, \$18,000?

Mr. COVEY. This involves a problem of reporting bankruptcy hearings. There are a number of districts which by local rule require bankruptcy proceedings to be recorded. We have a great deal of trouble meeting that requirement.

Mr. ROONEY. When you say, "local rule," what do you mean?

Mr. COVEY. Local rule of the court. Judges enter a rule requiring all bankruptcy cases to be recorded under the general authority of the act. They may adopt local rules and some have done it. We have a problem—

Mr. ROONEY. In many instances these proceedings are never referred to again, are they?

Mr. COVEY. In many instances that is true but you never know in advance which ones are going to be needed. That is the problem. There are many referees who do not record first meetings in the simple cases; meetings of creditors and the like. The referees and the judges may require the testimony in those cases, where the record is invaluable if they can go back and get it. For example, to recover preferences, set aside fraudulent transactions, and things of that kind.

Mr. ROONEY. How many recording machines do you presently have?

Mr. COVEY. We have in operation four and three of them are still on a trial basis. One we have purchased and that is at Buffalo. That is being very successfully used and our information is that the others are being successfully used.

Mr. ROONEY. Are there any questions?

Mr. COVEY. Might I say a word about the financing?

We finance these through a local rule of court providing for a charge averaging about \$3 a case for recording the hearings. If that recording is done by a member of our staff, a member of the referee's staff, it goes into the salary and expense fund.

Let me put it this way: If they are purchased and used, we are requiring a local rule of that kind so that the money to pay for these machines will, in effect, be going into the salary and expense fund. We do not propose to leave these machines in any district unless that kind of a rule is adopted.

Mr. ROONEY. Are there any questions with regard to this item?

Mr. Bow. No.

PENDING SUPPLEMENTAL APPROPRIATION BILL FOR SACRAMENTO

Mr. MARSHALL. I have one question, Mr. Chairman.

On item 10, you referred to here a moment ago, you mentioned there was \$7,500 requested in a supplemental appropriation bill for Sacramento, if I understood you correctly.

Mr. COVEY. It is requested in there at \$10,900, but the amount needed, in the supplemental, is only \$7,500.

Mr. MARSHALL. If the supplemental is granted, does that leave you short?

Mr. COVEY. No; the whole amount of the \$10,900 can come out. It is in both places. If we only spend \$7,500, we only need \$7,500 in the supplemental. The whole item here can come out if the \$7,500 is granted in the supplemental.

Mr. MARSHALL. Then, if I understand correctly, your \$10,900, the difference between that and \$7,500, was not required?

Mr. COVEY. That is correct.

Mr. MARSHALL. Thank you. I was not clear on that.

Mr. COVEY. That is correct.

SALARIES OF BANKRUPTCY REFEREES

Mr. ROONEY. I have just one question with regard to the salaries of bankruptcy referees.

Are they all paid \$15,000 a year as full-time referees?

Mr. COVEY. No, sir; they are not.

Mr. ROONEY. What is the total number of full-time bankruptcy referees?

Mr. COVEY. At the end of 1960, full-time referees, 110.

Mr. ROONEY. How many of them were receiving \$15,000 a year?

Mr. COVEY. I think you have that.

Mr. ANDERSON. I have a current statement showing 111; 89 are at \$15,000; 13 are at \$13,750; 6 are at \$12,500; 3 are at \$11,250; and that totals 111.

Mr. ROONEY. But in connection with the 26 full-time referees, you want \$15,000 apiece for each and every one of them; is that right?

Mr. COVEY. Yes, that is the way it is computed, except as to 5 of the 16 positions to be converted from part-time positions; 21 positions will be in the big districts. They will be in the heavy districts where we are paying the top salary.

Mr. ROONEY. If there are no further questions, gentlemen, this concludes the hearings with regard to the judiciary.

We wish to thank you distinguished gentlemen for your patience with us and for your assistance.

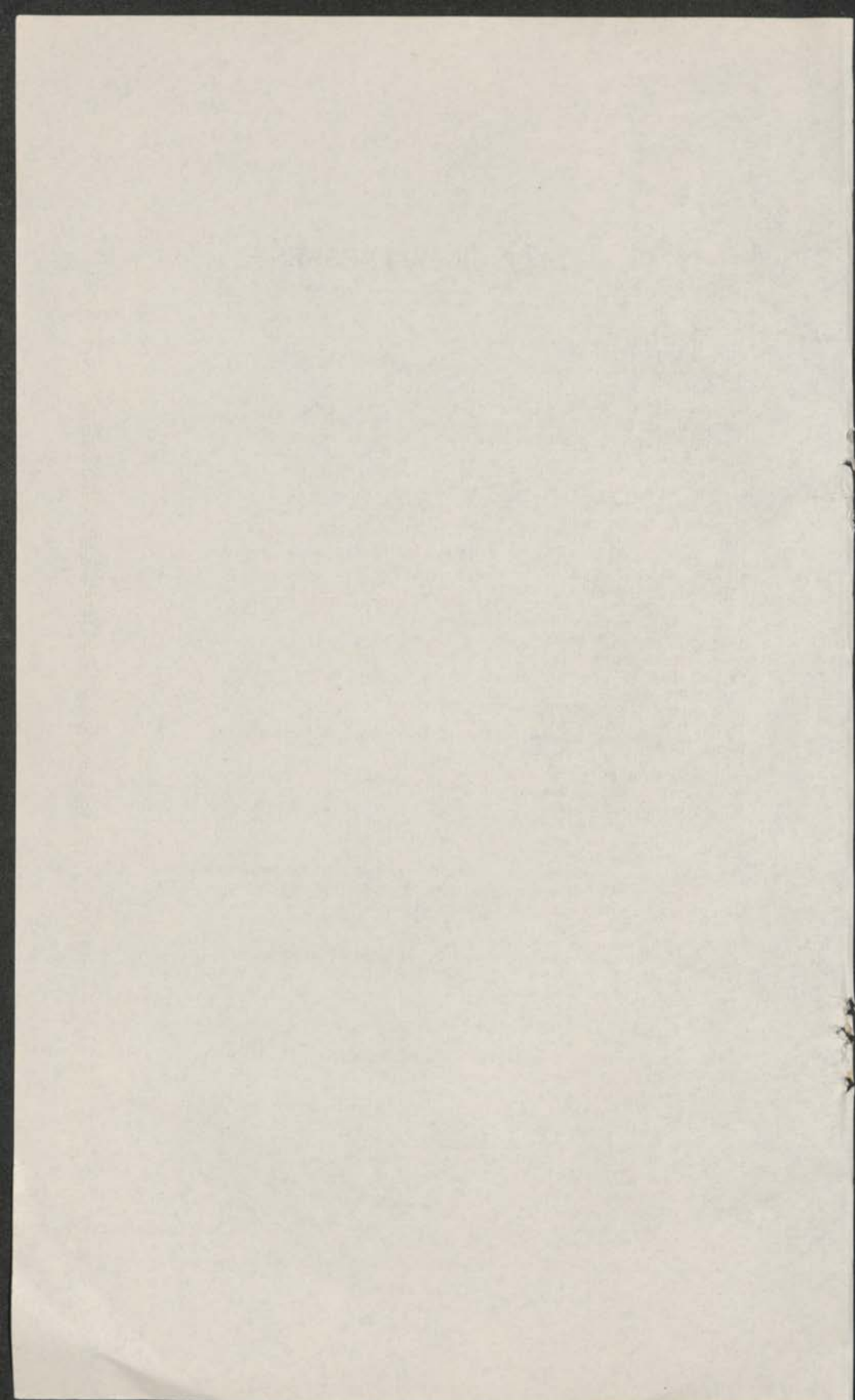
Judge CAMPBELL. May I say on behalf of the judges and myself personally, and the Director and his staff, that we greatly appreciate the kindly cooperation we have received from you and the other members of the committee and from the committee's administrative assistant, both in the preparation and submission of this material and for the very courteous manner in which we were treated here.

I am deeply grateful and I know that the others and the director share my feelings.

Mr. ROONEY. Thank you very much, gentlemen.

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